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SENATE FILE 2219

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 2142)

Passed Senate, Date 3/8/94 (p. 580) Passed House, Date _____
Vote: Ayes 48 Nays 1 Vote: Ayes _____ Nays _____
Approved May 16, 1994

A BILL FOR

1 An Act relating to the office of secretary of state, the conduct
2 of elections and voter registration in the state, and relating
3 to corrective and technical changes to Iowa's election laws.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2219

1 Section 1. Section 43.6, subsection 2, Code 1993, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 When a vacancy occurs in the office of county supervisor or
5 any of the offices listed in section 39.17 and more than
6 seventy days remain in the term of office following the next
7 general election, the office shall be filled for the balance
8 of the unexpired term at that general election unless the
9 vacancy has been filled by a special election called more than
10 seventy-three days before the primary election. If an
11 appointment to fill the vacancy in office is made eighty-eight
12 or more days before the primary election and a petition
13 requesting a special election has not been received within
14 fourteen days after the appointment is made, candidates for
15 the office shall be nominated at the primary election.

16 Sec. 2. Section 43.14, unnumbered paragraph 1, Code 1993,
17 is amended to read as follows:

18 All nomination papers shall be ~~about~~ eight and one-half by
19 ~~thirteen~~ fourteen inches in size and in substantially the
20 following form:

21 Sec. 3. Section 43.18, Code 1993, is amended by striking
22 the section and inserting in lieu thereof the following:

23 43.18 AFFIDAVIT OF CANDIDACY.

24 Each candidate shall complete and file a signed, notarized
25 affidavit of candidacy. The affidavit shall be in the form
26 prescribed by the secretary of state and shall include the
27 following information:

28 1. The candidate's name in the form the candidate wants it
29 to appear on the ballot.

30 2. The candidate's home address.

31 3. The name of the county in which the candidate resides.

32 4. The political party with which the candidate is
33 registered to vote.

34 5. The office sought by the candidate, and the district
35 the candidate seeks to represent, if any.

1 6. A declaration that if the candidate is nominated and
2 elected the candidate will qualify by taking the oath of
3 office.

4 7. A statement that the candidate is aware that the
5 candidate is required to organize a candidate's committee
6 which shall file an organization statement and disclosure
7 reports if the committee or the candidate receives
8 contributions, makes expenditures, or incurs indebtedness in
9 excess of the reporting threshold in section 56.2, subsection
10 4. This subsection shall not apply to candidates for federal
11 office.

12 8. A statement that the candidate is aware of the
13 prohibition in section 43.20 against being a candidate for
14 more than one office appearing on the primary election ballot.

15 Sec. 4. Section 43.26, Code 1993, is amended to read as
16 follows:

17 43.26 BALLOT -- FORM.

18 The official primary election ballot shall be prepared,
19 arranged, and printed substantially in the following form:

20 PRIMARY ELECTION BALLOT

21 (Name of Party) of

22 County of, State of Iowa,

23 ...Rotation (if any).

24 Primary election held on

25 the ...day of June, 19..

26 FOR UNITED STATES SENATOR

27 (Vote for no more than one.)

28 ___ CANDIDATE'S NAME

29 ___ CANDIDATE'S NAME

30 ___

31 FOR UNITED STATES REPRESENTATIVE

32 (Vote for no more than one.)

33 ___ CANDIDATE'S NAME

34 ___ CANDIDATE'S NAME

35 ___

1 FOR GOVERNOR
2 ___ (Vote for no more than one.)
3 ___ CANDIDATE'S NAME
4 ___ CANDIDATE'S NAME
5 ___

6 (Followed by other elective state officers in the order in
7 which they appear in section 39.9 and district officers in the
8 order in which they appear in sections 39.15 and 39.16.)

9 FOR BOARD OF SUPERVISORS
10 (Vote for no more than two.)
11 ___ CANDIDATE'S NAME
12 ___ CANDIDATE'S NAME
13 ___
14 ___

15 FOR COUNTY AUDITOR
16 (Vote for no more than one.)
17 ___ CANDIDATE'S NAME
18 ___ CANDIDATE'S NAME
19 ___

20 (Followed by other elective county officers in the order in
21 which they appear in sections section 39.17 and-39-18.)

22 FOR TOWNSHIP CLERK
23 (Vote for no more than one.)
24 ___ CANDIDATE'S NAME
25 ___ CANDIDATE'S NAME
26 ___

27 FOR TOWNSHIP TRUSTEES
28 (Vote for no more than two.)
29 ___ CANDIDATE'S NAME
30 ___ CANDIDATE'S NAME
31 ___ CANDIDATE'S NAME
32 ___

33 ___

34 Sec. 5. Section 43.67, Code 1993, is amended by striking
35 the section and inserting in lieu thereof the following:

1 43.67 NOMINEE'S RIGHT TO PLACE ON BALLOT.

2 Each candidate nominated pursuant to section 43.66 is
3 entitled to have the candidate's name printed on the official
4 ballot to be voted at the general election without other
5 certificate unless the candidate was nominated by write-in
6 votes. Immediately after the completion of the canvass held
7 under section 43.49, the county auditor shall notify each
8 person who was nominated by write-in votes for a county or
9 township office that the person is required to file an
10 affidavit of candidacy if the person wishes to be a candidate
11 for that office at the general election. Immediately after
12 the completion of the canvass held under section 43.63, the
13 secretary of state shall notify each person who was nominated
14 by write-in votes for a state or federal office that the
15 person is required to file an affidavit of candidacy if the
16 person wishes to be a candidate for that office at the general
17 election. If the affidavit is not filed by five p.m. on the
18 seventh day after the completion of the canvass, that person's
19 name shall not be placed upon the official general election
20 ballot. The affidavit shall be signed by the candidate,
21 notarized, and filed with the county auditor or the secretary
22 of state, whichever is applicable.

23 The affidavit shall be in the form prescribed by the
24 secretary of state. The affidavit shall include the following
25 information:

26 1. The candidate's name in the form the candidate wants it
27 to appear on the ballot.

28 2. The candidate's home address.

29 3. The name of the county in which the candidate resides.

30 4. The political party by which the candidate was
31 nominated.

32 5. The office sought by the candidate, and the district
33 the candidate seeks to represent, if any.

34 6. A declaration that if the candidate is elected the
35 candidate will qualify by taking the oath of office.

1 7. A statement that the candidate is aware that the
2 candidate is required to organize a candidate's committee
3 which shall file an organization statement and disclosure
4 reports if the committee or the candidate receives
5 contributions, makes expenditures, or incurs indebtedness in
6 excess of the reporting threshold in section 56.2, subsection
7 4. This subsection shall not apply to candidates for federal
8 office.

9 8. A statement that the candidate is aware of the
10 prohibition in section 49.41 against being a candidate for
11 more than one office to be filled at the same election, except
12 county agricultural extension council, soil and water
13 conservation district commission, and regional library board
14 of trustees.

15 Sec. 6. Section 43.77, subsection 4, Code 1993, is amended
16 to read as follows:

17 4. A vacancy has occurred in the office of senator in the
18 Congress of the United States, lieutenant governor, secretary
19 of state, auditor of state, treasurer of state, secretary of
20 agriculture, or attorney general, under the circumstances
21 described in section 69.13, ~~subsection-1,~~ less than eighty-
22 nine days before the primary election and not less than
23 eighty-nine days before the general election, ~~or in the office~~
24 ~~of county supervisor or any of the offices listed in section~~
25 ~~39.17, under the circumstances described in section 69.13,~~
26 ~~subsection-2, less than seventy-four days before the primary~~
27 ~~election and not less than seventy-four days before the~~
28 ~~general election.~~

29 Sec. 7. Section 43.77, Code 1993, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 5. A vacancy has occurred in the office
32 of county supervisor or in any of the offices listed in
33 section 39.17 and the term of office has more than seventy
34 days remaining after the date of the next general election and
35 one of the following circumstances applies:

1 a. The vacancy occurred during the period beginning
2 seventy-three days before the primary election and ending on
3 the date of the primary election and no special election was
4 called to fill the vacancy.

5 b. The vacancy occurred after the date of the primary
6 election and more than seventy-three days before the general
7 election.

8 Sec. 8. Section 44.3, Code 1993, is amended by striking
9 the section and inserting in lieu thereof the following:

10 44.3 CERTIFICATE.

11 1. The certificate required by section 44.2 shall state
12 the following information:

13 a. The name of each candidate nominated.

14 b. The office to which each candidate is nominated.

15 c. The name of the political organization making such
16 nomination, expressed in not more than five words.

17 d. The place of residence of each nominee, with the street
18 or number thereof, if any.

19 e. In case of presidential candidates, the names and
20 addresses of presidential electors shall be stated, and the
21 names of the candidates for president and vice president shall
22 be added to the name of the organization.

23 f. The name and address of each member of the
24 organization's executive or central committee.

25 g. The provisions, if any, made for filling vacancies in
26 nominations.

27 h. The name and address of each delegate or voter in
28 attendance at a convention or caucus where a nomination is
29 made.

30 2. Each candidate nominated by the convention or caucus
31 shall complete and file a signed, notarized affidavit of
32 candidacy. The affidavit shall be in the form prescribed by
33 the secretary of state. The affidavit shall include the
34 following information:

35 a. The candidate's name in the form the candidate wants it

1 to appear on the ballot.

2 b. The candidate's home address.

3 c. The name of the county in which the candidate resides.

4 d. The name of the political organization by which the
5 candidate was nominated.

6 e. The office sought by the candidate, and the district
7 the candidate seeks to represent, if any.

8 f. A declaration that if the candidate is elected the
9 candidate will qualify by taking the oath of office.

10 g. A statement that the candidate is aware that the
11 candidate is required to organize a candidate's committee
12 which shall file an organization statement and disclosure
13 reports if the committee or the candidate receives
14 contributions, makes expenditures, or incurs indebtedness in
15 excess of the reporting threshold in section 56.2, subsection
16 4. This subsection shall not apply to candidates for federal
17 office.

18 h. A statement that the candidate is aware of the
19 prohibition in section 49.41 against being a candidate for
20 more than one office to be filled at the same election, except
21 county agricultural extension council, soil and water
22 conservation district commission, and regional library board
23 of trustees.

24 Sec. 9. Section 45.1, Code Supplement 1993, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 10. Nominations for township officers may
27 be made by nomination petitions signed by not less than ten
28 eligible electors of the township.

29 Sec. 10. Section 45.3, unnumbered paragraph 2, Code 1993,
30 is amended by striking the paragraph and inserting in lieu
31 thereof the following:

32 Each candidate shall complete and file a signed, notarized
33 affidavit of candidacy. The affidavit shall be filed at the
34 same time as the nomination petition. The affidavit shall be
35 in the form prescribed by the secretary of state and shall

1 include the following information:

2 1. The candidate's name in the form the candidate wants it
3 to appear on the ballot.

4 2. The candidate's home address.

5 3. The name of the county in which the candidate resides.

6 4. The name of the political organization by which the
7 candidate was nominated, if any.

8 5. The office sought by the candidate, and the district
9 the candidate seeks to represent, if any.

10 6. A declaration that if the candidate is elected the
11 candidate will qualify by taking the oath of office.

12 7. A statement that the candidate is aware that the
13 candidate is required to organize a candidate's committee
14 which shall file an organization statement and disclosure
15 reports if the committee or the candidate receives
16 contributions, makes expenditures, or incurs indebtedness in
17 excess of the reporting threshold in section 56.2, subsection
18 4. This subsection shall not apply to candidates for federal
19 office.

20 8. A statement that the candidate is aware of the
21 prohibition in section 49.41 against being a candidate for
22 more than one office to be filled at the same election, except
23 county agricultural extension council, soil and water
24 conservation district commission, and regional library board
25 of trustees.

26 Sec. 11. Section 47.4, Code 1993, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 4. A United States citizen who has never
29 resided in the United States but whose parent is a member of
30 the armed forces of the United States under section 53.37 is
31 eligible to register and vote under the same voting residence
32 claimed by that person's parent.

33 Sec. 12. Section 48.11, Code 1993, is amended by adding
34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. The time limits for voter

1 registration shall not apply to a person who has been
2 discharged from military service within fourteen days
3 preceding the date of an election. The person shall present
4 to the precinct election officials a copy of the person's
5 military service discharge papers. The person shall complete
6 a voter registration form and return it to the officials
7 before being permitted to vote.

8 Sec. 13. Section 49.11, subsection 2, Code Supplement
9 1993, is amended to read as follows:

10 2. Divide any precinct permanently established under this
11 section which contains all or any parts of two or more
12 mutually exclusive political subdivisions, each either or both
13 of which is independently electing one or more officers or
14 voting on one or more questions on the same date, into two or
15 more temporary precincts and designate a polling place for
16 each.

17 Sec. 14. Section 49.73, subsection 1, Code Supplement
18 1993, is amended by adding the following new paragraph:

19 NEW PARAGRAPH. d. Any election conducted for a benefited
20 district.

21 Sec. 15. Section 49.77, subsection 1, Code 1993, is
22 amended to read as follows:

23 1. The board members of their respective precincts shall
24 have charge of the ballots and furnish them to the voters.
25 Any person desiring to vote shall sign a voter's declaration
26 provided by the officials, in substantially the following
27 form:

28 VOTER'S DECLARATION OF ELIGIBILITY

29 I do solemnly swear or affirm that I am a resident of the
30 precinct, ward or township, city of, county
31 of, Iowa.

32 I am a qualified elector. I have not voted and will not
33 vote in any other precinct in said election.

34 ~~(For primary election only) I am affiliated with the~~
35 ~~-----party.~~

1 I understand that any false statement in this declaration
2 is a criminal offense punishable as provided by law.

3
4 SIGNATURE OF VOTER
5
6 ADDRESS
7
8 TELEPHONE

9 Approved:
10
11 BOARD MEMBER

12 Sec. 16. Section 49.82, Code 1993, is amended to read as
13 follows:

14 49.82 VOTER TO RECEIVE ONE BALLOT -- ENDORSEMENT.

15 ~~One~~ When an empty voting booth is available, one of the
16 precinct election officials shall give-the-voter endorse the
17 official's initials on each ballot the voter will receive.
18 The initials shall be placed so that they may be seen when the
19 ballot is properly folded or enclosed in a secrecy folder.
20 The official shall give the voter one and only one of each of
21 the ballots to be voted at that election in that precinct,
22 except as provided by section 49.100,--on-the-back-of-which-a
23 precinct-election-official-shall-endorse-the-official's
24 initials-so-that-they-may-be-seen-when-the-ballot-is-properly
25 folded. No ballot without the required official endorsement
26 shall be ~~deposited~~ placed in the ballot box.

27 Sec. 17. Section 49.84, Code 1993, is amended to read as
28 follows:

29 49.84 MARKING AND RETURN OF BALLOT.

30 ~~On-receipt-of~~ After receiving the ballot, the voter shall
31 immediately ~~retire~~ go alone to one of the voting booths, and
32 without delay mark the ballot, ~~and~~ before. All voters shall
33 vote in booths. No special lines shall be used to separate
34 voters who state that they wish to vote only a portion of the
35 ballot.

1 Before leaving the voting booth, the voter shall fold the
2 ballot so-as or enclose it in a secrecy folder to conceal the
3 marks thereon,-and on the ballot. The voter shall deliver it
4 the ballot to one of the precinct election officials. No
5 identifying mark or symbol shall be endorsed on the back of
6 the voter's ballot. If the precinct has a portable vote
7 tallying system which will not permit more than one ballot to
8 be inserted at a time, the voter may insert the ballot into
9 the tabulating device or the voter shall place the ballot in
10 the ballot box.

11 Sec. 18. Section 49.104, subsections 2, 3, and 5, Code
12 1993, are amended to read as follows:

13 2. Any number of persons, not exceeding three at a time
14 from each political party having candidates to be voted for at
15 such election, to act as challenging committees, who are
16 appointed and accredited by the executive or central committee
17 of such political party or organization.

18 3. Any number of persons not exceeding three at a time
19 from each of such political parties, appointed and accredited
20 in the same manner as above prescribed for challenging
21 committees, to witness the counting of ballots. Subject to the
22 restrictions of section 51.11, the witnesses may observe the
23 counting of ballots by a counting board during the hours the
24 polls are open in any precinct for which double election
25 boards have been appointed.

26 5. One observer at a time representing any nonparty
27 political organization, any candidate nominated by petition
28 pursuant to chapter 45, or any other nonpartisan candidate in
29 a city or school election, appearing on the ballot of the
30 election in progress. Candidates who send observers to the
31 polls shall provide each observer with a letter of appointment
32 in the form prescribed by the state commissioner.

33 Sec. 19. Section 49.124, Code 1993, is amended to read as
34 follows:

35 49.124 TRAINING COURSE BY COMMISSIONER.

1 ~~It shall be the duty of the~~ The commissioner to shall
2 conduct, not ~~less~~ later than ~~three days~~ the day before each
3 primary and general election, a training course of not more
4 than two hours for all election personnel, and the
5 commissioner may do so before any other election the
6 commissioner administers. ~~Such~~ The personnel shall include
7 all precinct election officials and any other persons who will
8 be employed in or around the polling places on election day.
9 At least two precinct election officials who will serve on
10 each precinct election board at the forthcoming election shall
11 attend the training course, ~~and if~~. If the entire board does
12 not attend, those members who do attend shall so far as
13 possible be persons who have not previously attended a similar
14 training course.

15 Sec. 20. Section 50.48, subsection 4, unnumbered paragraph
16 1, Code Supplement 1993, is amended to read as follows:

17 When all members of the recount board have been selected,
18 the board shall undertake and complete the required recount as
19 expeditiously as reasonably possible. The commissioner or the
20 commissioner's designee shall supervise the handling of
21 ballots or voting machine documents to ensure that the ballots
22 and other documents are protected from alteration or damage.
23 The board shall open only the sealed ballot containers from
24 the precincts specified ~~in the request~~ to be recounted in the
25 request or by the recount board. The board shall recount only
26 the ballots which were voted and counted for the office in
27 question. If an electronic tabulating system was used to
28 count the ballots, the recount board may request the
29 commissioner to retabulate the ballots using the electronic
30 tabulating system. Any member of the recount board may at any
31 time during the recount proceedings extend the recount of
32 votes cast for the office or nomination in question to any
33 other precinct or precincts in the same county, or from which
34 the returns were reported to the commissioner responsible for
35 conducting the election, without the necessity of posting

1 additional bond.

2 Sec. 21. Section 52.4, Code 1993, is amended to read as
3 follows:

4 52.4 EXAMINERS -- TERM -- REMOVAL.

5 The governor state commissioner of elections shall appoint
6 three members to a board of examiners for voting machines and
7 electronic voting systems, not more than two of whom shall be
8 from the same political party. The examiners shall hold
9 office for ~~the-term~~ staggered terms of five six years, subject
10 to removal at the pleasure of the governor state commissioner
11 of elections.

12 At least one of the examiners shall have been trained in
13 computer programming and operations. The other two members
14 shall be directly involved in the administration of elections
15 and shall have experience in the use of electronic voting
16 systems.

17 Sec. 22. Section 53.17, subsection 2, unnumbered paragraph
18 2, Code 1993, is amended to read as follows:

19 In order for the ballot to be counted, the carrier envelope
20 must be received in the commissioner's office before the polls
21 close on election day or be clearly postmarked by an
22 officially authorized postal service not later than the day
23 before the election and received by the commissioner not later
24 than noon on the Monday following the election.

25 Sec. 23. Section 53.22, subsection 2, Code Supplement
26 1993, is amended to read as follows:

27 2. Any qualified elector who becomes a patient or resident
28 of a hospital or health care facility in the county where the
29 elector is qualified to vote within three days prior to the
30 date of any election or on election day may request an
31 absentee ballot during that period or on election day. As an
32 alternative to the application procedure prescribed by section
33 53.2, the qualified elector may make the request directly to
34 the officers who are delivering and returning absentee ballots
35 under this section. Alternatively, the request may be made by

1 telephone to the office of the commissioner not later than
2 four hours before the close of the polls. If the requester is
3 found to be a qualified elector of that county, these officers
4 shall deliver the appropriate absentee ballot to the qualified
5 elector in the manner prescribed by this section.

6 Sec. 24. Section 53.22, subsection 5, Code Supplement
7 1993, is amended to read as follows:

8 5. If the qualified elector becomes a patient or resident
9 of a hospital or health care facility outside the county where
10 the elector is registered to vote within three days before the
11 date of any election or on election day, the elector may
12 designate a person to deliver and return the absentee ballot.
13 The designee may be any person the elector chooses except that
14 no candidate for any office to be voted upon for the election
15 for which the ballot is requested may deliver a ballot under
16 this subsection. The request for an absentee ballot may be
17 made by telephone to the office of the commissioner not later
18 than four hours before the close of the polls. If the
19 requester is found to be a qualified elector of that county,
20 the ballot shall be delivered by mail or by the person
21 designated by the elector. An application form shall be
22 included with the absentee ballot and shall be signed by the
23 voter and returned with the ballot.

24 Absentee ballots voted under this subsection shall be
25 delivered to the commissioner no later than the time the polls
26 are closed on election day. If the ballot is returned by mail
27 the carrier envelope must be received by the time the polls
28 close, or clearly postmarked by an officially authorized
29 postal service not later than the day before the election and
30 received by the commissioner no later than the time
31 established for the canvass by the board of supervisors for
32 that election.

33 Sec. 25. Section 53.37, Code 1993, is amended by adding
34 the following new unnumbered paragraph before unnumbered
35 paragraph 1:

1 NEW UNNUMBERED PARAGRAPH. This division is intended to
2 implement the federal Uniform and Overseas Citizens Absentee
3 Voting Act, 42 U.S.C. § 1973ff et seq.

4 Sec. 26. Section 53.39, Code 1993, is amended to read as
5 follows:

6 53.39 REQUEST FOR BALLOT -- WHEN AVAILABLE.

7 Section 53.2 does not apply ~~in-connection-with-the-primary~~
8 ~~and-general-elections~~ in the case of a qualified elector of
9 the state of Iowa serving in the armed forces of the United
10 States. In any such case an application for ballot as
11 provided for in that section is not required and an absent
12 voter's ballot shall be sent or made available to any such
13 elector upon a request as provided in this division.

14 PARAGRAPH DIVIDED. All official ballots to be voted by
15 qualified absent voters in the armed forces of the United
16 States at the primary election and the general election shall
17 be printed prior to forty days before the respective elections
18 and shall be available for transmittal to such qualified
19 electors in the armed forces of the United States at least
20 forty days before the respective elections. The provisions of
21 this chapter apply to absent voting by qualified voters in the
22 armed forces of the United States ~~at-primary-and-general~~
23 ~~elections~~ except as modified by the provisions of this
24 division.

25 Sec. 27. Section 53.40, unnumbered paragraph 1, Code 1993,
26 is amended to read as follows:

27 Request A request in writing for a ballot ~~for-the-primary~~
28 ~~election-and-for-the-general-election~~ may be made by any
29 member of the armed forces of the United States who is or will
30 be a qualified voter on the day of the election at which the
31 ballot is to be cast, at any time ~~prior-to-either-of~~ before
32 the elections election. Any member of the armed forces of the
33 United States may request ballots for all elections to be held
34 within a calendar year. The request may be made by using the
35 federal postcard application form and indicating that the

1 applicant wishes to receive ballots for all elections as
2 permitted by state law. The county auditor shall send the
3 applicant a ballot for each election held during the calendar
4 year in which the application is received.

5 PARAGRAPH DIVIDED. Unless the request specifies otherwise,
6 a request for the primary election shall also be considered a
7 request for the general election. In the case of the general
8 election request may be made not more than seventy days before
9 the election, for and on behalf of a voter in the armed forces
10 of the United States by a spouse, parent, parent-in-law, adult
11 brother, adult sister, or adult child of the voter, residing
12 in the county of the voter's residence. However, a request
13 made by other than the voter may be required to be made on
14 forms prescribed by the state commissioner.

15 Sec. 28. Section 53.43, Code 1993, is amended to read as
16 follows:

17 53.43 IDENTIFICATION ON ENVELOPE.

18 The envelopes used in connection with voting by absent
19 voter's ballot by voters who are members of the armed forces
20 of the United States, shall have stamped or printed on them
21 the words "Armed Forces or Overseas Ballot" and a designation
22 of the election at which said the ballot is to be cast, ~~either~~
23 ~~"Primary-Election"-or-"General-Election"~~, ~~as the case may be.~~

24 Sec. 29. Section 53.51, Code 1993, is amended to read as
25 follows:

26 53.51 RULE OF CONSTRUCTION.

27 This division shall be liberally construed in order to
28 provide means and opportunity for qualified voters of the
29 state of Iowa serving in the armed forces of the United States
30 to vote ~~at the primary and general elections.~~

31 Sec. 30. Section 53.53, Code 1993, is amended by adding
32 the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. Federal write-in absentee
34 ballots may be used in primary and general elections, and in
35 special elections held pursuant to section 69.14. The federal

1 write-in absentee ballot transmission envelope may also serve
2 as an application for voter registration if the information
3 submitted is sufficient to register the person to vote and the
4 applicant is otherwise eligible to vote under the provisions
5 of this division.

6 Sec. 31. Section 69.8, subsection 5, Code 1993, is amended
7 by striking the subsection and inserting in lieu thereof the
8 following:

9 5. ELECTED TOWNSHIP OFFICES. When a vacancy occurs in the
10 office of township clerk or township trustee, the vacancy
11 shall be filled by appointment by the trustees. All
12 appointments to fill vacancies in township offices shall be
13 until a successor is elected at the next general election and
14 qualifies by taking the oath of office. If the term of office
15 in which the vacancy exists will expire within seventy days
16 after the next general election, the person elected to the
17 office for the succeeding term shall qualify by taking the
18 oath of office within ten days after the election and shall
19 serve for the remainder of the unexpired term, as well as for
20 the next four-year term.

21 However, if the offices of two trustees are vacant the
22 county board of supervisors shall fill the vacancies by
23 appointment. If the offices of three trustees are vacant the
24 board may fill the vacancies by appointment, or the board may
25 adopt a resolution stating that the board will exercise all
26 powers and duties assigned by law to the trustees of the
27 township in which the vacancies exist until the vacancies are
28 filled at the next general election. If a township office
29 vacancy is not filled by the trustees within thirty days after
30 the vacancy occurs, the board of supervisors may appoint a
31 successor to fill the vacancy until the vacancy can be filled
32 at the next general election.

33 Sec. 32. Section 69.14A, subsection 1, paragraph a,
34 unnumbered paragraph 2, Code 1993, is amended to read as
35 follows:

1 However, if within fourteen days after publication of the
2 notice or within fourteen days after the appointment is made,
3 whichever is later, a petition is filed with the county
4 auditor requesting a special election to fill the vacancy, the
5 appointment is temporary and a special election shall be
6 called as provided in paragraph "b". The petition shall meet
7 the requirements of section 331.306, except that in counties
8 where supervisors are elected under plan "three", the number
9 of signatures calculated according to the formula in section
10 331.306 shall be divided by the number of supervisor districts
11 in the county.

12 Sec. 33. Section 69.14A, subsection 1, paragraph b, Code
13 1993, is amended by adding the following new unnumbered
14 paragraphs:

15 NEW UNNUMBERED PARAGRAPH. However, if a vacancy on the
16 board of supervisors occurs after the date of the primary
17 election and more than seventy-three days before the general
18 election, a special election to fill the vacancy shall not be
19 called by the committee or by petition. If the term of office
20 in which the vacancy exists will expire more than seventy days
21 after the general election, the office shall be listed on the
22 ballot, as "For Board of Supervisors, To Fill Vacancy". The
23 person elected at the general election shall assume office as
24 soon as a certificate of election is issued and the person has
25 qualified by taking the oath of office. The person shall
26 serve the balance of the unexpired term.

27 NEW UNNUMBERED PARAGRAPH. If the term of office in which
28 the vacancy exists will expire within seventy days after the
29 general election, the person elected to the succeeding term
30 shall also serve the balance of the unexpired term. The
31 person elected at the general election shall assume office as
32 soon as a certificate of election is issued and the person has
33 qualified by taking the oath of office.

34 Sec. 34. Section 69.14A, subsection 2, paragraph b, Code
35 1993, is amended by adding the following new unnumbered

1 paragraphs:

2 NEW UNNUMBERED PARAGRAPH. If a vacancy in an elective
3 county office occurs after the date of the primary election
4 and more than seventy-three days before the general election,
5 a special election to fill the vacancy shall not be called by
6 the board of supervisors or by petition. If the term of
7 office in which the vacancy exists will expire more than
8 seventy days after the general election, the office shall be
9 listed on the ballot with the name of the office and the
10 additional description, "To Fill Vacancy". The person elected
11 at the general election shall assume office as soon as a
12 certificate of election is issued and the person has qualified
13 by taking the oath of office. The person shall serve the
14 balance of the unexpired term.

15 NEW UNNUMBERED PARAGRAPH. If the term of office in which
16 the vacancy exists will expire within seventy days after the
17 general election, the person elected to the succeeding term
18 shall also serve the balance of the unexpired term. The
19 person elected at the general election shall assume office as
20 soon as a certificate of election is issued and the person has
21 qualified by taking the oath of office.

22 Sec. 35. Section 277.5, unnumbered paragraph 1, Code 1993,
23 is amended to read as follows:

24 Objections to the legal sufficiency of a nomination peti-
25 tion or to the eligibility of a candidate may be filed by any
26 person who would have the right to vote for a candidate for
27 the office in question. The objection must be filed with the
28 secretary of the school board at least ~~thirty~~ thirty-five days
29 before the day of the school election. When objections are
30 filed notice shall forthwith be given to the candidate
31 affected, addressed to the candidate's place of residence as
32 given on the candidate's affidavit, stating that objections
33 have been made to the legal sufficiency of the petition or to
34 the eligibility of the candidate, and also stating the time
35 and place the objections will be considered.

1 Sec. 36. NEW SECTION. 277.7 PETITIONS FOR PUBLIC
2 MEASURES.

3 A petition filed with the school board to request an
4 election on a public measure shall be examined before it is
5 accepted for filing. If the petition appears valid on its
6 face it shall be accepted for filing. If it lacks the
7 required number of signatures it shall be returned to the
8 petitioners.

9 Petitions which have been accepted for filing are valid
10 unless written objections are filed. Objections must be filed
11 with the secretary of the school board within five working
12 days after the petition was filed. The objection process in
13 section 277.5 shall be followed for objections filed pursuant
14 to this section.

15 Sec. 37. Section 331.237, subsection 1, Code 1993, is
16 amended to read as follows:

17 1. If a proposed charter for county government is received
18 not ~~later~~ less than five working days before the filing
19 deadline for candidates for county offices specified in
20 section 44.4 for the next general election, the board shall
21 direct the county commissioner of elections to submit to the
22 qualified electors of the county at the next general election
23 the question of whether the proposed charter shall be adopted.
24 A summary of the proposed charter or amendment ~~must~~ shall be
25 published in the official county newspapers and in a newspaper
26 of general circulation in each participating city, if
27 applicable, at least ten but not more than twenty days before
28 the date of the election. If a majority of the votes cast on
29 the question is in favor of the proposal, the proposal is
30 adopted.

31 Sec. 38. Section 331.254, subsection 7, Code 1993, is
32 amended to read as follows:

33 7. The merger of the elective offices of each
34 consolidating county with the election of new officers within
35 sixty days after the effective date of the charter. The

1 elections shall be conducted by the county commissioner of
2 elections of each county ~~pursuant to section 69-13~~. No
3 primary election shall be held. Nominations shall be made
4 pursuant to section 43.78 and chapters 44 and 45, as
5 applicable, except that the filing deadline shall be forty
6 days before the election.

7 Sec. 39. Section 331.306, Code 1993, is amended by adding
8 the following new unnumbered paragraphs:

9 NEW UNNUMBERED PARAGRAPH. A petition shall be examined
10 before it is accepted for filing. If it appears valid on its
11 face it shall be accepted for filing. If it lacks the
12 required number of signatures it shall be returned to the
13 petitioners.

14 NEW UNNUMBERED PARAGRAPH. Petitions which have been
15 accepted for filing are valid unless written objections are
16 filed. Objections must be filed with the county auditor
17 within five working days after the petition was filed. The
18 objection process in section 44.7 shall be followed for
19 objections filed pursuant to this section.

20 Sec. 40. Section 347.10, Code 1993, is amended to read as
21 follows:

22 347.10 VACANCIES.

23 Vacancies in the board of trustees may, until the next
24 general election, be filled by an appointment ~~to fill the~~
25 ~~vacancy~~ by the remaining members of the board of trustees or,
26 if fewer than four trustees remain on the board, by the board
27 of supervisors for the period until the vacancies are filled
28 ~~pursuant to section 69-12~~ by election. ~~Should~~ If any board
29 member ~~be~~ is absent for four consecutive regular board
30 meetings, without prior excuse, the member's position shall be
31 declared vacant and filled as set out above in this section.

32 Sec. 41. Section 362.3, subsection 2, Code Supplement
33 1993, is amended to read as follows:

34 2. A publication required by the city code must be in a
35 newspaper published at least once weekly and having general

1 circulation in the city. However, if the city has a
2 population of two hundred or less, or in the case of notices
3 ~~of elections~~, ordinances, and amendments to be published in a
4 city in which no newspaper is published, a publication may be
5 made by posting in three public places in the city which have
6 been permanently designated by ordinance.

7 In the case of notices of elections, a city with a
8 population of two hundred or less meets the publication
9 requirement of this section by posting notices of elections in
10 three public places which have been designated by ordinance.

11 Sec. 42. Section 362.4, Code 1993, is amended by adding
12 the following new unnumbered paragraphs:

13 NEW UNNUMBERED PARAGRAPH. The petition shall be examined
14 before it is accepted for filing. If the petition appears
15 valid on its face it shall be accepted for filing. If it
16 lacks the required number of signatures it shall be returned
17 to the petitioner.

18 NEW UNNUMBERED PARAGRAPH. Petitions which have been
19 accepted for filing are valid unless written objections are
20 filed with the city clerk within five working days after the
21 petition is received. The objection process in section 44.8
22 shall be followed.

23 Sec. 43. Section 372.2, subsection 1, Code 1993, is
24 amended to read as follows:

25 1. Eligible electors of the city, ~~equal in number to at~~
26 ~~least twenty-five percent of the persons who voted at the last~~
27 ~~regular city election~~, may petition the council to submit to
28 the electors the question of adopting a different form of city
29 government. The minimum number of signatures required on the
30 petition shall be equal in number to twenty-five percent of
31 those who voted in the last regular city election. The
32 petition shall specify which form of city government in
33 section 372.1 the petitioners propose for adoption.

34 Sec. 44. Section 372.2, subsection 5, paragraph a, Code
35 1993, is amended to read as follows:

1 a. The elective officers provided for in the adopted form
2 are to be elected at the next regular city election held more
3 than ~~sixty~~ eighty-four days after the special election at
4 which the form was adopted, ~~and the~~. The adopted form becomes
5 effective at the beginning of the new term following the
6 regular city election.

7 Sec. 45. Section 372.13, subsection 2, paragraph a,
8 subparagraph (4), Code Supplement 1993, is amended to read as
9 follows:

10 (4) The minimum number of signatures for a valid petition
11 pursuant to subparagraphs (1) through (3) shall not be fewer
12 than ten. In determining the minimum number of signatures
13 required, if at the last preceding election more than one
14 position was to be filled for the office in which the vacancy
15 exists, the number of voters who voted for candidates for the
16 office shall be determined by dividing the total number of
17 votes cast for the office by the number of seats to be filled.

18 Sec. 46. TRANSITION AND EFFECTIVE DATE.

19 1. When the terms of the current members of the board of
20 examiners for voting machines and electronic voting systems
21 expire in June 1994, the state commissioner shall appoint
22 three examiners for staggered terms. One examiner shall be
23 appointed for six years, one for four years, and one for two
24 years.

25 2. This section of this Act and the section of this Act
26 which amends Code section 52.4, relating to appointment of the
27 board of examiners for voting machines and electronic voting
28 systems, being deemed of immediate importance, take effect
29 upon enactment.

30 EXPLANATION

31 Code section 43.6 is amended to specify that nominations
32 for a vacancy in a county office shall be made at the primary
33 election if the vacancy was not filled by a special election
34 called more than 73 days before the primary election.

35 Code section 43.14 is amended to change the paper size

1 requirement for nomination petitions from about 8 1/2 inches
2 by 13 inches to 8 1/2 inches by 14 inches. Code section 43.26
3 is amended to revise the primary election ballot format to be
4 consistent with the order of offices prescribed for the
5 general election ballot in section 49.37.

6 Code section 43.77, subsection 4, is amended to strike
7 references to filling vacancies in county offices and is
8 complementary to the enactment of new subsection 5 to section
9 43.77 which provides that a vacancy for a county office on the
10 general election ballot exists when the term of office has 70
11 days remaining after the date of the general election and
12 either the vacancy occurred 73 days before the next primary
13 election and a special election had not been called or the
14 vacancy occurred after the date of the primary election and
15 more than 73 days before the general election.

16 Code sections 43.18, 43.67, 44.3, and 45.3 are amended to
17 describe in general terms what is required to be included in
18 an affidavit of candidacy filed by a candidate for political
19 office. Current Code sets out the specific form the affidavit
20 is to take. Code section 43.18 applies to candidates in the
21 primary election. Code section 43.67 applies to candidates
22 nominated by political parties for special or general
23 elections. Code sections 44.3 and 45.3 apply to candidates
24 nominated by nonparty political organizations and candidates
25 nominated by petition, respectively.

26 New subsection 10 is enacted to section 45.1 to prescribe
27 the number of signatures required on a nomination petition for
28 a township office.

29 Code section 47.4 is amended to change the definition of
30 "overseas voter" to include United States citizens residing
31 overseas who have never resided in the United States but whose
32 parent who is an overseas voter from Iowa. Code section 48.11
33 is amended to exclude from the voter registration time limits
34 persons who were discharged from the United States military
35 two weeks before the election.

1 Code section 49.11 is amended to expand the circumstances
2 under which precincts may be divided by the county
3 commissioner of elections for elections other than the primary
4 or general election to include those circumstances where
5 political subdivisions are voting on one or more public
6 questions. Code section 49.73 is amended to allow the polls
7 to be opened at noon for benefited district elections.

8 Code section 49.77 is amended to remove the reference to
9 the primary election from the voter's declaration of
10 eligibility form because a form is already prescribed in
11 section 43.43 for the primary election. Code section 49.82 is
12 amended to specify that voters shall be given a ballot when a
13 booth is available for the voter's use. The section is also
14 amended to revise the language requiring the precinct election
15 official to initial ballots placed in secrecy folders. Code
16 section 49.84 is amended to clarify that all voters shall vote
17 in booths and election officials shall not separate voters
18 into different waiting lines based upon whether or not the
19 voter is going to vote the entire ballot.

20 Code section 49.104 is amended to specify that three poll
21 watchers at a time per political party and one observer at a
22 time representing any nonparty political organizations are
23 allowed at a polling place on election day. The section is
24 also amended to require that nonpartisan and nonparty
25 political organization poll watchers to be provided with
26 letters of appointment. Code section 49.124 is amended to
27 allow election precinct official training to be conducted up
28 to the day before the election. Current Code requires that
29 training be finished three days before the election.

30 Code section 50.48 is amended to permit a recount board to
31 open ballots from precincts designated by the recount board as
32 well as from precincts designated in the request for recount.

33 Code section 52.4 is amended to require that the secretary
34 of state, rather than the governor, appoint members of the
35 board of examiners for voting machines and electronic voting

1 equipment. The section is also amended to require that one
2 member of the board of examiners have had computer training
3 and that the other two members be directly involved in
4 election administration and have had experience with
5 electronic voting systems. Finally, the section is amended to
6 provide for staggered six-year terms. Current Code provides
7 for five-year terms that run concurrently. The provision is
8 made effective upon enactment and transition language is
9 included at the end of this bill.

10 Code section 53.17 is amended to allow absentee ballots
11 that were postmarked on election day to be counted if they are
12 received before the polls close. Code section 53.22 is
13 amended to allow a person admitted to a hospital or health
14 care facility on election day to request an absentee ballot.

15 Code section 53.37 is amended to include the statutory
16 citation for the federal Uniform and Overseas Citizens
17 Absentee Voting Act. Code section 53.39 is amended to allow
18 requests for absentee ballots for military and overseas voters
19 to be submitted at any time for any election. Code section
20 53.40 is amended to allow one absentee ballot request from
21 military and overseas voters to be used for all elections in a
22 calendar year. Code sections 53.43 and 53.51 are amended by
23 striking references which limit the use of special envelopes
24 for military and overseas voters to primary and general
25 elections.

26 Code section 53.53 is amended to specify that the federal
27 write-in absentee ballot may be used in primary and special
28 elections to fill vacancies in congress and the general
29 assembly and may be used in the general election. The
30 absentee ballot transmission envelope may also serve as a
31 voter registration application.

32 Code section 69.8 is amended to provide that vacancies in
33 township offices be filled by appointment until the next
34 general election.

35 Code section 69.14A is amended to specify that a vacancy in

1 an elective county office must be filled at the next general
2 election if the vacancy occurs after the date of the primary
3 election and before the end of the filing deadline for the
4 general election. The amendments also prohibit the holding of
5 a special election to fill the vacancy if the office becomes
6 vacant during that time. Finally, Code section 69.14A is
7 amended to provide that, in the case of a vacancy on the board
8 of supervisors of a county which elects supervisors from
9 single-member districts, the petition calling for a special
10 election to fill the vacancy shall be signed by eligible
11 electors equal in number to 10 percent of those residing in
12 the district who voted for the office of United States
13 president or governor. Present law requires that the number
14 of signatures be equal in number to 10 percent of those in the
15 county who voted for the office of United States president or
16 governor.

17 Code section 277.5 is amended to change the deadline for
18 filing an objection to a school nomination petition from 30
19 days before the election to 35 days before the election. The
20 deadline for filing a school nomination petition is 40 days
21 before the election. Code section 277.7 is created to provide
22 procedures for filing school petitions to request an election
23 on a public measure and to provide that the process for
24 objecting to such school petitions shall be the same process
25 set out in section 277.5 for objecting to a candidate's
26 nomination petition.

27 Code section 331.237, relating to submission of a proposed
28 charter for county government to the electorate, is amended by
29 adding corrective language.

30 Code section 331.254 is amended to remove an incorrect
31 reference to Code section 69.13 and to provide that if a
32 multicounty consolidation charter providing for the merger of
33 elective county offices is adopted, no primary election shall
34 be held for the election of new officers and nominations shall
35 be made in the manner currently provided by law except that

1 the filing deadline is 40 days before the date of the
2 election.

3 Code section 331.306 is amended to provide that the
4 objection process set out in section 44.7 shall be followed by
5 those objecting to nomination petitions filed requesting a
6 countywide election on a public measure.

7 Code section 347.10 is amended to provide that vacancies on
8 county public hospital trustee boards be filled by appointment
9 until the next general election.

10 Code section 362.3 is amended to allow only those cities
11 with a population of 200 or less to post notices of election
12 in public places as a method of meeting the requirement that
13 election notices be published.

14 Code section 362.4 is amended to provide that the objection
15 process set out in section 44.8 shall be followed by those
16 objecting to nomination petitions filed requesting a citywide
17 election on a public measure.

18 Code section 372.2 is amended to clarify that the number of
19 signatures of eligible electors required for a valid petition
20 to change the form of city government shall be equal to 25
21 percent of those voting at the last city election. The
22 section is also amended to increase from 60 days to 84 days
23 the time between a special election approving the change in
24 city government and the next regular city election at which
25 the change will become effective.

26 Code section 372.13 is amended to provide a method for
27 determining the number of signatures required for a petition
28 to request a special election to fill a vacancy in a city
29 office when more than one seat for that office was vacant and
30 filled at the election.

31 The transition provisions provide that when the terms of
32 the members of the board of examiners for voting machines and
33 electronic voting systems expire, the three new members shall
34 be appointed for staggered terms of six, four, and two years.
35 This provision is effective immediately.

SENATE FILE 2219

S-5109

1 Amend Senate File 2219 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 39.3, Code Supplement 1993, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 7A. "Infamous crime" means a
7 felony as defined in section 701.7, or an offense
8 classified as a felony under federal law."

9 2. Page 2, by inserting after line 14 the fol-
10 lowing:

11 "9. A statement that the candidate is aware that
12 the candidate is disqualified from holding office if
13 the candidate has been convicted, and never pardoned,
14 of a felony or other infamous crime."

15 3. Page 5, by inserting after line 14 the
16 following:

17 "9. A statement that the candidate is aware that
18 the candidate is disqualified from holding office if
19 the candidate has been convicted, and never pardoned,
20 of a felony or other infamous crime."

21 4. Page 7, by inserting after line 23 the
22 following:

23 "i. A statement that the candidate is aware that
24 the candidate is disqualified from holding office if
25 the candidate has been convicted, and never pardoned,
26 of a felony or other infamous crime."

27 5. Page 8, by inserting after line 25 the
28 following:

29 "9. A statement that the candidate is aware that
30 the candidate is disqualified from holding office if
31 the candidate has been convicted, and never pardoned,
32 of a felony or other infamous crime."

33 6. Page 19, by inserting after line 21 the
34 following:

35 "Sec. ____ . Section 161A.5, subsection 3, Code
36 1993, is amended to read as follows:

37 3. At each general election a successor shall be
38 chosen for each commissioner whose term will expire in
39 the succeeding January. Nomination of candidates for
40 the office of commissioner shall be made by petition
41 in accordance with chapter 45, except that each
42 candidate's nominating petition shall be signed by at
43 least twenty-five eligible electors of the district.
44 The petition form shall be furnished by the county
45 commissioner of elections. Every candidate shall file
46 with the nomination papers an affidavit stating the
47 candidate's name, the candidate's residence, that the
48 person is a candidate and is eligible for the office
49 of commissioner, and that if elected the candidate
50 will qualify for the office. The affidavit shall also

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1 state that the candidate is aware that the candidate
2 is disqualified from holding office if the candidate
3 has been convicted, and never pardoned, of a felony or
4 other infamous crime.

5 PARAGRAPH DIVIDED. The signed petitions shall be
6 filed with the county commissioner of elections not
7 later than five p.m. on the sixty-ninth day before the
8 general election. The votes for the office of
9 district commissioner shall be canvassed in the same
10 manner as the votes for county officers, and the
11 returns shall be certified to the commissioners of the
12 district. A plurality is sufficient to elect
13 commissioners, and a primary election for the office
14 shall not be held. If the canvass shows that the two
15 candidates receiving the highest and the second
16 highest number of votes for the office of district
17 commissioner are both residents of the same township,
18 the board shall certify as elected the candidate who
19 received the highest number of votes for the office
20 and the candidate receiving the next highest number of
21 votes for the office who is not a resident of the same
22 township as the candidate receiving the highest number
23 of votes.

24 Sec. ____ . Section 277.4, unnumbered paragraph 2,
25 Code Supplement 1993, is amended to read as follows:

26 Each candidate shall be nominated by petition. If
27 the candidate is running for an at-large seat in the
28 district, the petition must be signed by eligible
29 electors equal in number to not less than one percent
30 of the qualified electors of the district or one
31 hundred eligible electors of the district, whichever
32 is less. If the candidate is running for a seat in a
33 director district, the petition must be signed by
34 eligible electors equal in number to not less than one
35 percent of the qualified electors in the director
36 district or one hundred eligible electors in the
37 district, whichever is less. Signers of nomination
38 petitions shall include their addresses and the date
39 of signing, and must reside in the same director
40 district as the candidate if directors are elected by
41 the voters of a director district, rather than at
42 large. A person may sign nomination petitions for
43 more than one candidate for the same office, and the
44 signature is not invalid solely because the person
45 signed nomination petitions for one or more other
46 candidates for the office. The petition shall be
47 filed with the affidavit of the candidate being
48 nominated, stating the candidate's name, place of
49 residence, that such person is a candidate and is
50 eligible for the office the candidate seeks, and that

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1 if elected the candidate will qualify for the office.
2 The affidavit shall also state that the candidate is
3 aware that the candidate is disqualified from holding
4 office if the candidate has been convicted, and never
5 pardoned, of a felony or other infamous crime."

6 7. Page 23, by inserting after line 17 the
7 following:

8 "Sec. ____ . Section 376.4, unnumbered paragraph 4,
9 Code 1993, is amended to read as follows:

10 The petition must include the affidavit of the
11 individual for whom it is filed, stating the
12 individual's name, the individual's residence, that
13 the individual is a candidate and eligible for the
14 office, and that if elected the individual will
15 qualify for the office. The affidavit shall also
16 state that the candidate is aware that the candidate
17 is disqualified from holding office if the candidate
18 has been convicted, and never pardoned, of a felony or
19 other infamous crime."

20 8. By renumbering and correcting internal
21 references as necessary.

By MIKE CONNOLLY

S-5109 FILED MARCH 8, 1994
ADOPTED (p. 580)

SENATE FILE 2219

S-5112

1 Amend Senate File 2219 as follows:

2 1. Page 23, by inserting after line 17 the
3 following:

4 "Sec. ____ . Section 384.12, subsection 19,
5 paragraph c, Code 1993, is amended by striking the
6 paragraph and inserting in lieu thereof the following:

7 c. The ballot question shall be in substantially
8 the following form:

9 WHICH TAX LEVY SHALL BE ADOPTED FOR THE CITY
10 OF

11 (Vote for only one of the following choices.)

12 CHANGE LEVY AMOUNT

13 Add to the existing levy amount a tax for the
14 purpose of (state purpose of
15 proposed levy) at a rate of (rate)
16 which will provide an additional \$.....
17 (amount).

18 KEEP CURRENT LEVY ____

19 Continue under the current maximum rate of
20, providing \$.....
21 (amount)."

22 2. By renumbering as necessary.

By SHELDON RITTMER

S-5112 FILED MARCH 8, 1994
ADOPTED (p. 580)

SENATE FILE 2219

S-5117

1 Amend Senate File 2219 as follows:
 2 1. Page 20, by inserting after line 30 the
 3 following:
 4 "Sec. 101. Section 331.237, subsection 2,
 5 paragraph a, Code 1993, is amended to read as follows:
 6 a. The adopted charter shall take effect July 1
 7 following the general election at which it is approved
 8 unless the charter provides a later effective date.
 9 If the adopted charter calls for a change in the form
 10 of government, ~~a special election shall be called to~~
 11 ~~elect the new elective~~ officers to fill elective
 12 offices shall be elected in the general election in
 13 the even-numbered year following the adoption of the
 14 charter. ~~if the adopted charter provides for a~~
 15 ~~special election, the board shall direct the county~~
 16 ~~commissioner of elections to conduct the election.~~
 17 Those county officers holding office at the time of
 18 the adoption of the charter shall continue in office
 19 until the general election in the even-numbered year
 20 following the adoption of the charter. If the charter
 21 provides that one or more elective offices are
 22 combined, the board of supervisors shall appoint one
 23 of the elective officers of the combined offices to
 24 serve until the general election in the even-numbered
 25 year. If the charter calls for the elimination of an
 26 elective office, that elective officer's term of
 27 office shall expire on the date the adopted charter
 28 takes effect."
 29 2. Page 23, by inserting after line 29 the fol-
 30 lowing:
 31 "Sec. ____ . APPLICABILITY. Section 101 of this
 32 Act, which amends Code section 331.237, subsection 2,
 33 is applicable to charters adopted by the electorate on
 34 or after the effective date of this Act."
 35 3. By renumbering as necessary.
 By TONY BISIGNANO FLORENCE BUHR
 O. GENE MADDOX MARY KRAMER

S-5117 FILED MARCH 8, 1994
ADOPTED (p. 580)

SENATE FILE 2219

S-5075

1 Amend Senate File 2219 as follows:
 2 1. Page 11, line 9, by striking the words "or the
 3 voter" and inserting the following: "otherwise the
 4 election official".
 By RICHARD F. DRAKE
 MICHAEL E. GRONSTAL

S-5075 FILED MARCH 3, 1994
Adopted 3/8/94 (p. 580)

1 Section 1. Section 39.3, Code Supplement 1993, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 7A. "Infamous crime" means a felony as
4 defined in section 701.7, or an offense classified as a felony
5 under federal law.

6 Sec. 2. Section 43.6, subsection 2, Code 1993, is amended
7 by striking the subsection and inserting in lieu thereof the
8 following:

9 When a vacancy occurs in the office of county supervisor or
10 any of the offices listed in section 39.17 and more than
11 seventy days remain in the term of office following the next
12 general election, the office shall be filled for the balance
13 of the unexpired term at that general election unless the
14 vacancy has been filled by a special election called more than
15 seventy-three days before the primary election. If an
16 appointment to fill the vacancy in office is made eighty-eight
17 or more days before the primary election and a petition
18 requesting a special election has not been received within
19 fourteen days after the appointment is made, candidates for
20 the office shall be nominated at the primary election.

21 Sec. 3. Section 43.14, unnumbered paragraph 1, Code 1993,
22 is amended to read as follows:

23 All nomination papers shall be ~~about~~ eight and one-half by
24 ~~thirteen~~ fourteen inches in size and in substantially the
25 following form:

26 Sec. 4. Section 43.18, Code 1993, is amended by striking
27 the section and inserting in lieu thereof the following:

28 43.18 AFFIDAVIT OF CANDIDACY.

29 Each candidate shall complete and file a signed, notarized
30 affidavit of candidacy. The affidavit shall be in the form
31 prescribed by the secretary of state and shall include the
32 following information:

33 1. The candidate's name in the form the candidate wants it
34 to appear on the ballot.

35 2. The candidate's home address.

1 3. The name of the county in which the candidate resides.

2 4. The political party with which the candidate is
3 registered to vote.

4 5. The office sought by the candidate, and the district
5 the candidate seeks to represent, if any.

6 6. A declaration that if the candidate is nominated and
7 elected the candidate will qualify by taking the oath of
8 office.

9 7. A statement that the candidate is aware that the
10 candidate is required to organize a candidate's committee
11 which shall file an organization statement and disclosure
12 reports if the committee or the candidate receives
13 contributions, makes expenditures, or incurs indebtedness in
14 excess of the reporting threshold in section 56.2, subsection
15 4. This subsection shall not apply to candidates for federal
16 office.

17 8. A statement that the candidate is aware of the
18 prohibition in section 43.20 against being a candidate for
19 more than one office appearing on the primary election ballot.

20 9. A statement that the candidate is aware that the
21 candidate is disqualified from holding office if the candidate
22 has been convicted, and never pardoned, of a felony or other
23 infamous crime.

24 Sec. 5. Section 43.26, Code 1993, is amended to read as
25 follows:

26 43.26 BALLOT -- FORM.

27 The official primary election ballot shall be prepared,
28 arranged, and printed substantially in the following form:

29 PRIMARY ELECTION BALLOT
30 (Name of Party) of
31 County of, State of Iowa,
32 ...Rotation (if any).
33 Primary election held on
34 the ...day of June, 19..

35 FOR UNITED STATES SENATOR

1 (Vote for no more than one.)

2 ___ CANDIDATE'S NAME

3 ___ CANDIDATE'S NAME

4 ___

5 FOR UNITED STATES REPRESENTATIVE

6 (Vote for no more than one.)

7 ___ CANDIDATE'S NAME

8 ___ CANDIDATE'S NAME

9 ___

10 FOR GOVERNOR

11 ___ (Vote for no more than one.)

12 ___ CANDIDATE'S NAME

13 ___ CANDIDATE'S NAME

14 ___

15 (Followed by other elective state officers in the order in
16 which they appear in section 39.9 and district officers in the
17 order in which they appear in sections 39.15 and 39.16.)

18 FOR BOARD OF SUPERVISORS

19 (Vote for no more than two.)

20 ___ CANDIDATE'S NAME

21 ___ CANDIDATE'S NAME

22 ___

23 ___

24 FOR COUNTY AUDITOR

25 (Vote for no more than one.)

26 ___ CANDIDATE'S NAME

27 ___ CANDIDATE'S NAME

28 ___

29 (Followed by other elective county officers in the order in
30 which they appear in sections section 39.17 and-39-18.)

31 FOR TOWNSHIP CLERK

32 (Vote for no more than one.)

33 ___ CANDIDATE'S NAME

34 ___ CANDIDATE'S NAME

35 ___

- 1 FOR TOWNSHIP TRUSTEES
- 2 (Vote for no more than two.)
- 3 ___ CANDIDATE'S NAME
- 4 ___ CANDIDATE'S NAME
- 5 ___ CANDIDATE'S NAME
- 6 ___
- 7 ___

8 Sec. 6. Section 43.67, Code 1993, is amended by striking
 9 the section and inserting in lieu thereof the following:
 10 43.67 NOMINEE'S RIGHT TO PLACE ON BALLOT.

11 Each candidate nominated pursuant to section 43.66 is
 12 entitled to have the candidate's name printed on the official
 13 ballot to be voted at the general election without other
 14 certificate unless the candidate was nominated by write-in
 15 votes. Immediately after the completion of the canvass held
 16 under section 43.49, the county auditor shall notify each
 17 person who was nominated by write-in votes for a county or
 18 township office that the person is required to file an
 19 affidavit of candidacy if the person wishes to be a candidate
 20 for that office at the general election. Immediately after
 21 the completion of the canvass held under section 43.63, the
 22 secretary of state shall notify each person who was nominated
 23 by write-in votes for a state or federal office that the
 24 person is required to file an affidavit of candidacy if the
 25 person wishes to be a candidate for that office at the general
 26 election. If the affidavit is not filed by five p.m. on the
 27 seventh day after the completion of the canvass, that person's
 28 name shall not be placed upon the official general election
 29 ballot. The affidavit shall be signed by the candidate,
 30 notarized, and filed with the county auditor or the secretary
 31 of state, whichever is applicable.

32 The affidavit shall be in the form prescribed by the
 33 secretary of state. The affidavit shall include the following
 34 information:

- 35 1. The candidate's name in the form the candidate wants it

1 to appear on the ballot.

2 2. The candidate's home address.

3 3. The name of the county in which the candidate resides.

4 4. The political party by which the candidate was
5 nominated.

6 5. The office sought by the candidate, and the district
7 the candidate seeks to represent, if any.

8 6. A declaration that if the candidate is elected the
9 candidate will qualify by taking the oath of office.

10 7. A statement that the candidate is aware that the
11 candidate is required to organize a candidate's committee
12 which shall file an organization statement and disclosure
13 reports if the committee or the candidate receives
14 contributions, makes expenditures, or incurs indebtedness in
15 excess of the reporting threshold in section 56.2, subsection
16 4. This subsection shall not apply to candidates for federal
17 office.

18 8. A statement that the candidate is aware of the
19 prohibition in section 49.41 against being a candidate for
20 more than one office to be filled at the same election, except
21 county agricultural extension council, soil and water
22 conservation district commission, and regional library board
23 of trustees.

24 9. A statement that the candidate is aware that the
25 candidate is disqualified from holding office if the candidate
26 has been convicted, and never pardoned, of a felony or other
27 infamous crime.

28 Sec. 7. Section 43.77, subsection 4, Code 1993, is amended
29 to read as follows:

30 4. A vacancy has occurred in the office of senator in the
31 Congress of the United States, lieutenant governor, secretary
32 of state, auditor of state, treasurer of state, secretary of
33 agriculture, or attorney general, under the circumstances
34 described in section 69.13, ~~subsection 17~~ less than eighty-
35 nine days before the primary election and not less than

1 eighty-nine days before the general election, ~~or in the office~~
2 ~~of county supervisor or any of the offices listed in section~~
3 ~~39.17 under the circumstances described in section 69.13,~~
4 ~~subsection 2, less than seventy-four days before the primary~~
5 ~~election and not less than seventy-four days before the~~
6 ~~general election.~~

7 Sec. 8. Section 43.77, Code 1993, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 5. A vacancy has occurred in the office
10 of county supervisor or in any of the offices listed in
11 section 39.17 and the term of office has more than seventy
12 days remaining after the date of the next general election and
13 one of the following circumstances applies:

14 a. The vacancy occurred during the period beginning
15 seventy-three days before the primary election and ending on
16 the date of the primary election and no special election was
17 called to fill the vacancy.

18 b. The vacancy occurred after the date of the primary
19 election and more than seventy-three days before the general
20 election.

21 Sec. 9. Section 44.3, Code 1993, is amended by striking
22 the section and inserting in lieu thereof the following:

23 44.3 CERTIFICATE.

24 1. The certificate required by section 44.2 shall state
25 the following information:

26 a. The name of each candidate nominated.

27 b. The office to which each candidate is nominated.

28 c. The name of the political organization making such
29 nomination, expressed in not more than five words.

30 d. The place of residence of each nominee, with the street
31 or number thereof, if any.

32 e. In case of presidential candidates, the names and
33 addresses of presidential electors shall be stated, and the
34 names of the candidates for president and vice president shall
35 be added to the name of the organization.

1 f. The name and address of each member of the
2 organization's executive or central committee.

3 g. The provisions, if any, made for filling vacancies in
4 nominations.

5 h. The name and address of each delegate or voter in
6 attendance at a convention or caucus where a nomination is
7 made.

8 2. Each candidate nominated by the convention or caucus
9 shall complete and file a signed, notarized affidavit of
10 candidacy. The affidavit shall be in the form prescribed by
11 the secretary of state. The affidavit shall include the
12 following information:

13 a. The candidate's name in the form the candidate wants it
14 to appear on the ballot.

15 b. The candidate's home address.

16 c. The name of the county in which the candidate resides.

17 d. The name of the political organization by which the
18 candidate was nominated.

19 e. The office sought by the candidate, and the district
20 the candidate seeks to represent, if any.

21 f. A declaration that if the candidate is elected the
22 candidate will qualify by taking the oath of office.

23 g. A statement that the candidate is aware that the
24 candidate is required to organize a candidate's committee
25 which shall file an organization statement and disclosure
26 reports if the committee or the candidate receives
27 contributions, makes expenditures, or incurs indebtedness in
28 excess of the reporting threshold in section 56.2, subsection
29 4. This subsection shall not apply to candidates for federal
30 office.

31 h. A statement that the candidate is aware of the
32 prohibition in section 49.41 against being a candidate for
33 more than one office to be filled at the same election, except
34 county agricultural extension council, soil and water
35 conservation district commission, and regional library board

1 of trustees.

2 i. A statement that the candidate is aware that the
3 candidate is disqualified from holding office if the candidate
4 has been convicted, and never pardoned, of a felony or other
5 infamous crime.

6 Sec. 10. Section 45.1, Code Supplement 1993, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 10. Nominations for township officers may
9 be made by nomination petitions signed by not less than ten
10 eligible electors of the township.

11 Sec. 11. Section 45.3, unnumbered paragraph 2, Code 1993,
12 is amended by striking the paragraph and inserting in lieu
13 thereof the following:

14 Each candidate shall complete and file a signed, notarized
15 affidavit of candidacy. The affidavit shall be filed at the
16 same time as the nomination petition. The affidavit shall be
17 in the form prescribed by the secretary of state and shall
18 include the following information:

19 1. The candidate's name in the form the candidate wants it
20 to appear on the ballot.

21 2. The candidate's home address.

22 3. The name of the county in which the candidate resides.

23 4. The name of the political organization by which the
24 candidate was nominated, if any.

25 5. The office sought by the candidate, and the district
26 the candidate seeks to represent, if any.

27 6. A declaration that if the candidate is elected the
28 candidate will qualify by taking the oath of office.

29 7. A statement that the candidate is aware that the
30 candidate is required to organize a candidate's committee
31 which shall file an organization statement and disclosure
32 reports if the committee or the candidate receives
33 contributions, makes expenditures, or incurs indebtedness in
34 excess of the reporting threshold in section 56.2, subsection
35 4. This subsection shall not apply to candidates for federal

1 office.

2 8. A statement that the candidate is aware of the
3 prohibition in section 49.41 against being a candidate for
4 more than one office to be filled at the same election, except
5 county agricultural extension council, soil and water
6 conservation district commission, and regional library board
7 of trustees.

8 9. A statement that the candidate is aware that the
9 candidate is disqualified from holding office if the candidate
10 has been convicted, and never pardoned, of a felony or other
11 infamous crime.

12 Sec. 12. Section 47.4, Code 1993, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 4. A United States citizen who has never
15 resided in the United States but whose parent is a member of
16 the armed forces of the United States under section 53.37 is
17 eligible to register and vote under the same voting residence
18 claimed by that person's parent.

19 Sec. 13. Section 48.11, Code 1993, is amended by adding
20 the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. The time limits for voter
22 registration shall not apply to a person who has been
23 discharged from military service within fourteen days
24 preceding the date of an election. The person shall present
25 to the precinct election officials a copy of the person's
26 military service discharge papers. The person shall complete
27 a voter registration form and return it to the officials
28 before being permitted to vote.

29 Sec. 14. Section 49.11, subsection 2, Code Supplement
30 1993, is amended to read as follows:

31 2. Divide any precinct permanently established under this
32 section which contains all or any parts of two or more
33 mutually exclusive political subdivisions, each either or both
34 of which is independently electing one or more officers or
35 voting on one or more questions on the same date, into two or

1 more temporary precincts and designate a polling place for
2 each.

3 Sec. 15. Section 49.73, subsection 1, Code Supplement
4 1993, is amended by adding the following new paragraph:

5 NEW PARAGRAPH. d. Any election conducted for a benefited
6 district.

7 Sec. 16. Section 49.77, subsection 1, Code 1993, is
8 amended to read as follows:

9 1. The board members of their respective precincts shall
10 have charge of the ballots and furnish them to the voters.
11 Any person desiring to vote shall sign a voter's declaration
12 provided by the officials, in substantially the following
13 form:

14 VOTER'S DECLARATION OF ELIGIBILITY

15 I do solemnly swear or affirm that I am a resident of the
16 precinct, ward or township, city of, county
17 of, Iowa.

18 I am a qualified elector. I have not voted and will not
19 vote in any other precinct in said election.

20 ~~(For-primary-election-only)-I-am-affiliated-with-the~~
21 ~~.....party:~~

22 I understand that any false statement in this declaration
23 is a criminal offense punishable as provided by law.

24

25 SIGNATURE OF VOTER

26

27 ADDRESS

28

29 TELEPHONE

30 Approved:

31

32 BOARD MEMBER

33 Sec. 17. Section 49.82, Code 1993, is amended to read as
34 follows:

35 49.82 VOTER TO RECEIVE ONE BALLOT -- ENDORSEMENT.

1 ~~One~~ When an empty voting booth is available, one of the
2 precinct election officials shall ~~give-the-voter~~ endorse the
3 official's initials on each ballot the voter will receive.
4 The initials shall be placed so that they may be seen when the
5 ballot is properly folded or enclosed in a secrecy folder.
6 The official shall give the voter one and only one of each of
7 the ballots to be voted at that election in that precinct,
8 except as provided by section 49.100,--on-the-back-of-which-a
9 precinct-election-official-shall-endorse-the-official's
10 initials-so-that-they-may-be-seen-when-the-ballot-is-properly
11 folded. No ballot without the required official endorsement
12 shall be deposited placed in the ballot box.

13 Sec. 18. Section 49.84, Code 1993, is amended to read as
14 follows:

15 49.84 MARKING AND RETURN OF BALLOT.

16 ~~On-receipt-of~~ After receiving the ballot, the voter shall
17 immediately ~~retire~~ go alone to one of the voting booths, and
18 without delay mark the ballot, ~~and, before.~~ All voters shall
19 vote in booths. No special lines shall be used to separate
20 voters who state that they wish to vote only a portion of the
21 ballot.

22 Before leaving the voting booth, the voter shall fold the
23 ballot ~~so-as~~ or enclose it in a secrecy folder to conceal the
24 marks ~~thereon, and on the ballot.~~ The voter shall deliver it
25 the ballot to one of the precinct election officials. No
26 identifying mark or symbol shall be endorsed on the back of
27 the voter's ballot. If the precinct has a portable vote
28 tallying system which will not permit more than one ballot to
29 be inserted at a time, the voter may insert the ballot into
30 the tabulating device, otherwise the election official shall
31 place the ballot in the ballot box.

32 Sec. 19. Section 49.104, subsections 2, 3, and 5, Code
33 1993, are amended to read as follows:

34 2. Any number of persons, not exceeding three at a time
35 from each political party having candidates to be voted for at

1 such election, to act as challenging committees, who are
2 appointed and accredited by the executive or central committee
3 of such political party or organization.

4 3. Any number of persons not exceeding three at a time
5 from each of such political parties, appointed and accredited
6 in the same manner as above prescribed for challenging
7 committees, to witness the counting of ballots. Subject to the
8 restrictions of section 51.11, the witnesses may observe the
9 counting of ballots by a counting board during the hours the
10 polls are open in any precinct for which double election
11 boards have been appointed.

12 5. One observer at a time representing any nonparty
13 political organization, any candidate nominated by petition
14 pursuant to chapter 45, or any other nonpartisan candidate in
15 a city or school election, appearing on the ballot of the
16 election in progress. Candidates who send observers to the
17 polls shall provide each observer with a letter of appointment
18 in the form prescribed by the state commissioner.

19 Sec. 20. Section 49.124, Code 1993, is amended to read as
20 follows:

21 49.124 TRAINING COURSE BY COMMISSIONER.

22 ~~It shall be the duty of the~~ The commissioner to shall
23 conduct, not ~~less~~ later than ~~three-days~~ the day before each
24 primary and general election, a training course of not more
25 than two hours for all election personnel, and the
26 commissioner may do so before any other election the
27 commissioner administers. ~~Such~~ The personnel shall include
28 all precinct election officials and any other persons who will
29 be employed in or around the polling places on election day.
30 At least two precinct election officials who will serve on
31 each precinct election board at the forthcoming election shall
32 attend the training course ~~7-and-if.~~ If the entire board does
33 not attend, those members who do attend shall so far as
34 possible be persons who have not previously attended a similar
35 training course.

1 Sec. 21. Section 50.48, subsection 4, unnumbered paragraph
2 1, Code Supplement 1993, is amended to read as follows:

3 When all members of the recount board have been selected,
4 the board shall undertake and complete the required recount as
5 expeditiously as reasonably possible. The commissioner or the
6 commissioner's designee shall supervise the handling of
7 ballots or voting machine documents to ensure that the ballots
8 and other documents are protected from alteration or damage.
9 The board shall open only the sealed ballot containers from
10 the precincts specified ~~in the request~~ to be recounted in the
11 request or by the recount board. The board shall recount only
12 the ballots which were voted and counted for the office in
13 question. If an electronic tabulating system was used to
14 count the ballots, the recount board may request the
15 commissioner to retabulate the ballots using the electronic
16 tabulating system. Any member of the recount board may at any
17 time during the recount proceedings extend the recount of
18 votes cast for the office or nomination in question to any
19 other precinct or precincts in the same county, or from which
20 the returns were reported to the commissioner responsible for
21 conducting the election, without the necessity of posting
22 additional bond.

23 Sec. 22. Section 52.4, Code 1993, is amended to read as
24 follows:

25 52.4 EXAMINERS -- TERM -- REMOVAL.

26 The governor state commissioner of elections shall appoint
27 three members to a board of examiners for voting machines and
28 electronic voting systems, not more than two of whom shall be
29 from the same political party. The examiners shall hold
30 office for ~~the term~~ staggered terms of five six years, subject
31 to removal at the pleasure of the governor state commissioner
32 of elections.

33 At least one of the examiners shall have been trained in
34 computer programming and operations. The other two members
35 shall be directly involved in the administration of elections

1 and shall have experience in the use of electronic voting
2 systems.

3 Sec. 23. Section 53.17, subsection 2, unnumbered paragraph
4 2, Code 1993, is amended to read as follows:

5 In order for the ballot to be counted, the carrier envelope
6 must be received in the commissioner's office before the polls
7 close on election day or be clearly postmarked by an
8 officially authorized postal service not later than the day
9 before the election and received by the commissioner not later
10 than noon on the Monday following the election.

11 Sec. 24. Section 53.22, subsection 2, Code Supplement
12 1993, is amended to read as follows:

13 2. Any qualified elector who becomes a patient or resident
14 of a hospital or health care facility in the county where the
15 elector is qualified to vote within three days prior to the
16 date of any election or on election day may request an
17 absentee ballot during that period or on election day. As an
18 alternative to the application procedure prescribed by section
19 53.2, the qualified elector may make the request directly to
20 the officers who are delivering and returning absentee ballots
21 under this section. Alternatively, the request may be made by
22 telephone to the office of the commissioner not later than
23 four hours before the close of the polls. If the requester is
24 found to be a qualified elector of that county, these officers
25 shall deliver the appropriate absentee ballot to the qualified
26 elector in the manner prescribed by this section.

27 Sec. 25. Section 53.22, subsection 5, Code Supplement
28 1993, is amended to read as follows:

29 5. If the qualified elector becomes a patient or resident
30 of a hospital or health care facility outside the county where
31 the elector is registered to vote within three days before the
32 date of any election or on election day, the elector may
33 designate a person to deliver and return the absentee ballot.
34 The designee may be any person the elector chooses except that
35 no candidate for any office to be voted upon for the election

1 for which the ballot is requested may deliver a ballot under
2 this subsection. The request for an absentee ballot may be
3 made by telephone to the office of the commissioner not later
4 than four hours before the close of the polls. If the
5 requester is found to be a qualified elector of that county,
6 the ballot shall be delivered by mail or by the person
7 designated by the elector. An application form shall be
8 included with the absentee ballot and shall be signed by the
9 voter and returned with the ballot.

10 Absentee ballots voted under this subsection shall be
11 delivered to the commissioner no later than the time the polls
12 are closed on election day. If the ballot is returned by mail
13 the carrier envelope must be received by the time the polls
14 close, or clearly postmarked by an officially authorized
15 postal service not later than the day before the election and
16 received by the commissioner no later than the time
17 established for the canvass by the board of supervisors for
18 that election.

19 Sec. 26. Section 53.37, Code 1993, is amended by adding
20 the following new unnumbered paragraph before unnumbered
21 paragraph 1:

22 NEW UNNUMBERED PARAGRAPH. This division is intended to
23 implement the federal Uniform and Overseas Citizens Absentee
24 Voting Act, 42 U.S.C. § 1973ff et seq.

25 Sec. 27. Section 53.39, Code 1993, is amended to read as
26 follows:

27 53.39 REQUEST FOR BALLOT -- WHEN AVAILABLE.

28 Section 53.2 does not apply ~~in-connection-with-the-primary~~
29 ~~and-general-elections~~ in the case of a qualified elector of
30 the state of Iowa serving in the armed forces of the United
31 States. In any such case an application for ballot as
32 provided for in that section is not required and an absent
33 voter's ballot shall be sent or made available to any such
34 elector upon a request as provided in this division.

35 PARAGRAPH DIVIDED. All official ballots to be voted by

1 qualified absent voters in the armed forces of the United
2 States at the primary election and the general election shall
3 be printed prior to forty days before the respective elections
4 and shall be available for transmittal to such qualified
5 electors in the armed forces of the United States at least
6 forty days before the respective elections. The provisions of
7 this chapter apply to absent voting by qualified voters in the
8 armed forces of the United States ~~at primary and general~~
9 ~~elections~~ except as modified by the provisions of this
10 division.

11 Sec. 28. Section 53.40, unnumbered paragraph 1, Code 1993,
12 is amended to read as follows:

13 Request A request in writing for a ballot ~~for the primary~~
14 ~~election and for the general election~~ may be made by any
15 member of the armed forces of the United States who is or will
16 be a qualified voter on the day of the election at which the
17 ballot is to be cast, at any time ~~prior to either of~~ before
18 the elections election. Any member of the armed forces of the
19 United States may request ballots for all elections to be held
20 within a calendar year. The request may be made by using the
21 federal postcard application form and indicating that the
22 applicant wishes to receive ballots for all elections as
23 permitted by state law. The county auditor shall send the
24 applicant a ballot for each election held during the calendar
25 year in which the application is received.

26 PARAGRAPH DIVIDED. Unless the request specifies otherwise,
27 a request for the primary election shall also be considered a
28 request for the general election. In the case of the general
29 election request may be made not more than seventy days before
30 the election, for and on behalf of a voter in the armed forces
31 of the United States by a spouse, parent, parent-in-law, adult
32 brother, adult sister, or adult child of the voter, residing
33 in the county of the voter's residence. However, a request
34 made by other than the voter may be required to be made on
35 forms prescribed by the state commissioner.

1 Sec. 29. Section 53.43, Code 1993, is amended to read as
2 follows:

3 53.43 IDENTIFICATION ON ENVELOPE.

4 The envelopes used in connection with voting by absent
5 voter's ballot by voters who are members of the armed forces
6 of the United States, shall have stamped or printed on them
7 the words "Armed Forces or Overseas Ballot" and a designation
8 of the election at which said the ballot is to be cast, ~~either~~
9 ~~"Primary-Election"-or-"General-Election",-as-the-case-may-be.~~

10 Sec. 30. Section 53.51, Code 1993, is amended to read as
11 follows:

12 53.51 RULE OF CONSTRUCTION.

13 This division shall be liberally construed in order to
14 provide means and opportunity for qualified voters of the
15 state of Iowa serving in the armed forces of the United States
16 to vote ~~at-the-primary-and-general-elections.~~

17 Sec. 31. Section 53.53, Code 1993, is amended by adding
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. Federal write-in absentee
20 ballots may be used in primary and general elections, and in
21 special elections held pursuant to section 69.14. The federal
22 write-in absentee ballot transmission envelope may also serve
23 as an application for voter registration if the information
24 submitted is sufficient to register the person to vote and the
25 applicant is otherwise eligible to vote under the provisions
26 of this division.

27 Sec. 32. Section 69.8, subsection 5, Code 1993, is amended
28 by striking the subsection and inserting in lieu thereof the
29 following:

30 5. ELECTED TOWNSHIP OFFICES. When a vacancy occurs in the
31 office of township clerk or township trustee, the vacancy
32 shall be filled by appointment by the trustees. All
33 appointments to fill vacancies in township offices shall be
34 until a successor is elected at the next general election and
35 qualifies by taking the oath of office. If the term of office

1 in which the vacancy exists will expire within seventy days
2 after the next general election, the person elected to the
3 office for the succeeding term shall qualify by taking the
4 oath of office within ten days after the election and shall
5 serve for the remainder of the unexpired term, as well as for
6 the next four-year term.

7 However, if the offices of two trustees are vacant the
8 county board of supervisors shall fill the vacancies by
9 appointment. If the offices of three trustees are vacant the
10 board may fill the vacancies by appointment, or the board may
11 adopt a resolution stating that the board will exercise all
12 powers and duties assigned by law to the trustees of the
13 township in which the vacancies exist until the vacancies are
14 filled at the next general election. If a township office
15 vacancy is not filled by the trustees within thirty days after
16 the vacancy occurs, the board of supervisors may appoint a
17 successor to fill the vacancy until the vacancy can be filled
18 at the next general election.

19 Sec. 33. Section 69.14A, subsection 1, paragraph a,
20 unnumbered paragraph 2, Code 1993, is amended to read as
21 follows:

22 However, if within fourteen days after publication of the
23 notice or within fourteen days after the appointment is made,
24 whichever is later, a petition is filed with the county
25 auditor requesting a special election to fill the vacancy, the
26 appointment is temporary and a special election shall be
27 called as provided in paragraph "b". The petition shall meet
28 the requirements of section 331.306, except that in counties
29 where supervisors are elected under plan "three", the number
30 of signatures calculated according to the formula in section
31 331.306 shall be divided by the number of supervisor districts
32 in the county.

33 Sec. 34. Section 69.14A, subsection 1, paragraph b, Code
34 1993, is amended by adding the following new unnumbered
35 paragraphs:

1 NEW UNNUMBERED PARAGRAPH. However, if a vacancy on the
2 board of supervisors occurs after the date of the primary
3 election and more than seventy-three days before the general
4 election, a special election to fill the vacancy shall not be
5 called by the committee or by petition. If the term of office
6 in which the vacancy exists will expire more than seventy days
7 after the general election, the office shall be listed on the
8 ballot, as "For Board of Supervisors, To Fill Vacancy". The
9 person elected at the general election shall assume office as
10 soon as a certificate of election is issued and the person has
11 qualified by taking the oath of office. The person shall
12 serve the balance of the unexpired term.

13 NEW UNNUMBERED PARAGRAPH. If the term of office in which
14 the vacancy exists will expire within seventy days after the
15 general election, the person elected to the succeeding term
16 shall also serve the balance of the unexpired term. The
17 person elected at the general election shall assume office as
18 soon as a certificate of election is issued and the person has
19 qualified by taking the oath of office.

20 Sec. 35. Section 69.14A, subsection 2, paragraph b, Code
21 1993, is amended by adding the following new unnumbered
22 paragraphs:

23 NEW UNNUMBERED PARAGRAPH. If a vacancy in an elective
24 county office occurs after the date of the primary election
25 and more than seventy-three days before the general election,
26 a special election to fill the vacancy shall not be called by
27 the board of supervisors or by petition. If the term of
28 office in which the vacancy exists will expire more than
29 seventy days after the general election, the office shall be
30 listed on the ballot with the name of the office and the
31 additional description, "To Fill Vacancy". The person elected
32 at the general election shall assume office as soon as a
33 certificate of election is issued and the person has qualified
34 by taking the oath of office. The person shall serve the
35 balance of the unexpired term.

1 NEW UNNUMBERED PARAGRAPH. If the term of office in which
2 the vacancy exists will expire within seventy days after the
3 general election, the person elected to the succeeding term
4 shall also serve the balance of the unexpired term. The
5 person elected at the general election shall assume office as
6 soon as a certificate of election is issued and the person has
7 qualified by taking the oath of office.

8 Sec. 36. Section 161A.5, subsection 3, Code 1993, is
9 amended to read as follows:

10 3. At each general election a successor shall be chosen
11 for each commissioner whose term will expire in the succeeding
12 January. Nomination of candidates for the office of
13 commissioner shall be made by petition in accordance with
14 chapter 45, except that each candidate's nominating petition
15 shall be signed by at least twenty-five eligible electors of
16 the district. The petition form shall be furnished by the
17 county commissioner of elections. Every candidate shall file
18 with the nomination papers an affidavit stating the
19 candidate's name, the candidate's residence, that the person
20 is a candidate and is eligible for the office of commissioner,
21 and that if elected the candidate will qualify for the office.
22 The affidavit shall also state that the candidate is aware
23 that the candidate is disqualified from holding office if the
24 candidate has been convicted, and never pardoned, of a felony
25 or other infamous crime.

26 PARAGRAPH DIVIDED. The signed petitions shall be filed
27 with the county commissioner of elections not later than five
28 p.m. on the sixty-ninth day before the general election. The
29 votes for the office of district commissioner shall be
30 canvassed in the same manner as the votes for county officers,
31 and the returns shall be certified to the commissioners of the
32 district. A plurality is sufficient to elect commissioners,
33 and a primary election for the office shall not be held. If
34 the canvass shows that the two candidates receiving the
35 highest and the second highest number of votes for the office

1 of district commissioner are both residents of the same
2 township, the board shall certify as elected the candidate who
3 received the highest number of votes for the office and the
4 candidate receiving the next highest number of votes for the
5 office who is not a resident of the same township as the
6 candidate receiving the highest number of votes.

7 Sec. 37. Section 277.4, unnumbered paragraph 2, Code
8 Supplement 1993, is amended to read as follows:

9 Each candidate shall be nominated by petition. If the
10 candidate is running for an at-large seat in the district, the
11 petition must be signed by eligible electors equal in number
12 to not less than one percent of the qualified electors of the
13 district or one hundred eligible electors of the district,
14 whichever is less. If the candidate is running for a seat in
15 a director district, the petition must be signed by eligible
16 electors equal in number to not less than one percent of the
17 qualified electors in the director district or one hundred
18 eligible electors in the district, whichever is less. Signers
19 of nomination petitions shall include their addresses and the
20 date of signing, and must reside in the same director district
21 as the candidate if directors are elected by the voters of a
22 director district, rather than at large. A person may sign
23 nomination petitions for more than one candidate for the same
24 office, and the signature is not invalid solely because the
25 person signed nomination petitions for one or more other
26 candidates for the office. The petition shall be filed with
27 the affidavit of the candidate being nominated, stating the
28 candidate's name, place of residence, that such person is a
29 candidate and is eligible for the office the candidate seeks,
30 and that if elected the candidate will qualify for the office.
31 The affidavit shall also state that the candidate is aware
32 that the candidate is disqualified from holding office if the
33 candidate has been convicted, and never pardoned, of a felony
34 or other infamous crime.

35 Sec. 38. Section 277.5, unnumbered paragraph 1, Code 1993,

1 is amended to read as follows:

2 Objections to the legal sufficiency of a nomination peti-
3 tion or to the eligibility of a candidate may be filed by any
4 person who would have the right to vote for a candidate for
5 the office in question. The objection must be filed with the
6 secretary of the school board at least thirty thirty-five days
7 before the day of the school election. When objections are
8 filed notice shall forthwith be given to the candidate
9 affected, addressed to the candidate's place of residence as
10 given on the candidate's affidavit, stating that objections
11 have been made to the legal sufficiency of the petition or to
12 the eligibility of the candidate, and also stating the time
13 and place the objections will be considered.

14 Sec. 39. NEW SECTION. 277.7 PETITIONS FOR PUBLIC
15 MEASURES.

16 A petition filed with the school board to request an
17 election on a public measure shall be examined before it is
18 accepted for filing. If the petition appears valid on its
19 face it shall be accepted for filing. If it lacks the
20 required number of signatures it shall be returned to the
21 petitioners.

22 Petitions which have been accepted for filing are valid
23 unless written objections are filed. Objections must be filed
24 with the secretary of the school board within five working
25 days after the petition was filed. The objection process in
26 section 277.5 shall be followed for objections filed pursuant
27 to this section.

28 Sec. 40. Section 331.237, subsection 1, Code 1993, is
29 amended to read as follows:

30 1. If a proposed charter for county government is received
31 not ~~later~~ less than five working days before the filing
32 deadline for candidates for county offices specified in
33 section 44.4 for the next general election, the board shall
34 direct the county commissioner of elections to submit to the
35 qualified electors of the county at the next general election

1 the question of whether the proposed charter shall be adopted.
2 A summary of the proposed charter or amendment ~~must~~ shall be
3 published in the official county newspapers and in a newspaper
4 of general circulation in each participating city, if
5 applicable, at least ten but not more than twenty days before
6 the date of the election. If a majority of the votes cast on
7 the question is in favor of the proposal, the proposal is
8 adopted.

9 Sec. 41. Section 331.237, subsection 2, paragraph a, Code
10 1993, is amended to read as follows:

11 a. The adopted charter shall take effect July 1 following
12 the general election at which it is approved unless the
13 charter provides a later effective date. If the adopted
14 charter calls for a change in the form of government, a
15 special-election-shall-be-called-to-elect-the-new-elective
16 officers to fill elective offices shall be elected in the
17 general election in the even-numbered year following the
18 adoption of the charter. ~~If the adopted charter provides for~~
19 ~~a special election, the board shall direct the county~~
20 ~~commissioner of elections to conduct the election. Those~~
21 county officers holding office at the time of the adoption of
22 the charter shall continue in office until the general
23 election in the even-numbered year following the adoption of
24 the charter. If the charter provides that one or more
25 elective offices are combined, the board of supervisors shall
26 appoint one of the elective officers of the combined offices
27 to serve until the general election in the even-numbered year.
28 If the charter calls for the elimination of an elective
29 office, that elective officer's term of office shall expire on
30 the date the adopted charter takes effect.

31 Sec. 42. Section 331.254, subsection 7, Code 1993, is
32 amended to read as follows:

33 7. The merger of the elective offices of each
34 consolidating county with the election of new officers within
35 sixty days after the effective date of the charter. The

1 elections shall be conducted by the county commissioner of
2 elections of each county ~~pursuant to section 69-13~~. No
3 primary election shall be held. Nominations shall be made
4 pursuant to section 43.78 and chapters 44 and 45, as
5 applicable, except that the filing deadline shall be forty
6 days before the election.

7 Sec. 43. Section 331.306, Code 1993, is amended by adding
8 the following new unnumbered paragraphs:

9 NEW UNNUMBERED PARAGRAPH. A petition shall be examined
10 before it is accepted for filing. If it appears valid on its
11 face it shall be accepted for filing. If it lacks the
12 required number of signatures it shall be returned to the
13 petitioners.

14 NEW UNNUMBERED PARAGRAPH. Petitions which have been
15 accepted for filing are valid unless written objections are
16 filed. Objections must be filed with the county auditor
17 within five working days after the petition was filed. The
18 objection process in section 44.7 shall be followed for
19 objections filed pursuant to this section.

20 Sec. 44. Section 347.10, Code 1993, is amended to read as
21 follows:

22 347.10 VACANCIES.

23 Vacancies in the board of trustees may, until the next
24 general election, be filled by an appointment ~~to fill the~~
25 ~~vacancy~~ by the remaining members of the board of trustees or,
26 if fewer than four trustees remain on the board, by the board
27 of supervisors for the period until the vacancies are filled
28 ~~pursuant to section 69-12~~ by election. Should if any board
29 member ~~be~~ is absent for four consecutive regular board
30 meetings, without prior excuse, the member's position shall be
31 declared vacant and filled as set out ~~above~~ in this section.

32 Sec. 45. Section 362.3, subsection 2, Code Supplement
33 1993, is amended to read as follows:

34 2. A publication required by the city code must be in a
35 newspaper published at least once weekly and having general

1 circulation in the city. However, if the city has a
2 population of two hundred or less, or in the case of notices
3 of elections, ordinances, and amendments to be published in a
4 city in which no newspaper is published, a publication may be
5 made by posting in three public places in the city which have
6 been permanently designated by ordinance.

7 In the case of notices of elections, a city with a
8 population of two hundred or less meets the publication
9 requirement of this section by posting notices of elections in
10 three public places which have been designated by ordinance.

11 Sec. 46. Section 362.4, Code 1993, is amended by adding
12 the following new unnumbered paragraphs:

13 NEW UNNUMBERED PARAGRAPH. The petition shall be examined
14 before it is accepted for filing. If the petition appears
15 valid on its face it shall be accepted for filing. If it
16 lacks the required number of signatures it shall be returned
17 to the petitioner.

18 NEW UNNUMBERED PARAGRAPH. Petitions which have been
19 accepted for filing are valid unless written objections are
20 filed with the city clerk within five working days after the
21 petition is received. The objection process in section 44.8
22 shall be followed.

23 Sec. 47. Section 372.2, subsection 1, Code 1993, is
24 amended to read as follows:

25 1. Eligible electors of the city, ~~equal in number to at~~
26 ~~least twenty-five percent of the persons who voted at the last~~
27 ~~regular city election,~~ may petition the council to submit to
28 the electors the question of adopting a different form of city
29 government. The minimum number of signatures required on the
30 petition shall be equal in number to twenty-five percent of
31 those who voted in the last regular city election. The
32 petition shall specify which form of city government in
33 section 372.1 the petitioners propose for adoption.

34 Sec. 48. Section 372.2, subsection 5, paragraph a, Code
35 1993, is amended to read as follows:

1 a. The elective officers provided for in the adopted form
2 are to be elected at the next regular city election held more
3 than sixty eighty-four days after the special election at
4 which the form was adopted, ~~and the~~. The adopted form becomes
5 effective at the beginning of the new term following the
6 regular city election.

7 Sec. 49. Section 372.13, subsection 2, paragraph a,
8 subparagraph (4), Code Supplement 1993, is amended to read as
9 follows:

10 (4) The minimum number of signatures for a valid petition
11 pursuant to subparagraphs (1) through (3) shall not be fewer
12 than ten. In determining the minimum number of signatures
13 required, if at the last preceding election more than one
14 position was to be filled for the office in which the vacancy
15 exists, the number of voters who voted for candidates for the
16 office shall be determined by dividing the total number of
17 votes cast for the office by the number of seats to be filled.

18 Sec. 50. Section 376.4, unnumbered paragraph 4, Code 1993,
19 is amended to read as follows:

20 The petition must include the affidavit of the individual
21 for whom it is filed, stating the individual's name, the
22 individual's residence, that the individual is a candidate and
23 eligible for the office, and that if elected the individual
24 will qualify for the office. The affidavit shall also state
25 that the candidate is aware that the candidate is disqualified
26 from holding office if the candidate has been convicted, and
27 never pardoned, of a felony or other infamous crime.

28 Sec. 51. Section 384.12, subsection 19, paragraph c, Code
29 1993, is amended by striking the paragraph and inserting in
30 lieu thereof the following:

31 c. The ballot question shall be in substantially the
32 following form:

33 WHICH TAX LEVY SHALL BE ADOPTED FOR THE CITY

34 OF?

35 (Vote for only one of the following choices.)

1 CHANGE LEVY AMOUNT

2 Add to the existing levy amount a tax for the purpose of
3 (state purpose of proposed levy) at a rate
4 of (rate) which will provide an additional
5 \$..... (amount).

6 KEEP CURRENT LEVY

7 Continue under the current maximum rate of
8, providing \$..... (amount).

9 Sec. 52. TRANSITION AND EFFECTIVE DATE.

10 1. When the terms of the current members of the board of
11 examiners for voting machines and electronic voting systems
12 expire in June 1994, the state commissioner shall appoint
13 three examiners for staggered terms. One examiner shall be
14 appointed for six years, one for four years, and one for two
15 years.

16 2. This section of this Act and the section of this Act
17 which amends Code section 52.4, relating to appointment of the
18 board of examiners for voting machines and electronic voting
19 systems, being deemed of immediate importance, take effect
20 upon enactment.

21 Sec. 53. APPLICABILITY. Section 41 of this Act, which
22 amends Code section 331.237, subsection 2, is applicable to
23 charters adopted by the electorate on or after the effective
24 date of this Act.

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SENATE FILE 2219

H-5686

1 Amend Senate File 2219, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 9, by striking lines 12 through 28.

4 2. Page 10, by inserting after line 2 the
5 following:

6 "Sec. ____ . Section 49.20, Code 1993, is amended to
7 read as follows:

8 49.20 COMPENSATION OF MEMBERS.

9 The members of election boards shall be deemed
10 temporary state employees who are compensated by the
11 county in which they serve, and shall receive
12 compensation at a rate established by the board of
13 supervisors, which shall be not less than three
14 dollars and fifty cents per hour, while engaged in the
15 discharge of their duties and shall be reimbursed for
16 actual and necessary travel expense at a rate
17 determined by the board of supervisors, except that
18 persons who have advised the commissioner prior to
19 their appointment to the election board that they are
20 willing to serve without pay at elections conducted
21 for any school district or a city of three thousand
22 five hundred or less population, shall receive no
23 compensation for service at those elections.
24 Compensation shall be paid to members of election
25 boards only after the vote has been canvassed and it
26 has been determined in the course of the canvass that
27 the election record certificate has been properly
28 executed by the election board."

29 3. Page 13, by inserting before line 1 the
30 following:

31 "Sec. ____ . Section 49.125, Code 1993, is amended
32 to read as follows:

33 49.125 COMPENSATION OF TRAINEES.

34 All election personnel attending such training
35 course shall be paid for attending such course for a
36 period not to exceed two hours, and shall be
37 reimbursed for travel to and from the place where the
38 training is given at the rate ~~specified in~~ established
39 pursuant to section 70A-9 49.20 if the distance
40 involved is more than five miles. The wages shall be
41 computed at the hourly rate established pursuant to
42 section 49.20 and payment of wages and mileage for
43 attendance shall be made at the time that payment is
44 made for duties performed on election day."

45 4. Page 14, by inserting after line 2 the
46 following:

47 "Sec. ____ . Section 52.40, subsection 1, Code
48 Supplement 1993, is amended to read as follows:

49 1. In counties where counting centers have been
50 established under section 52.34, the commissioner may

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1 ~~for-general-elections-only~~, designate certain polling
2 places as early ballot pick-up sites. At these sites,
3 between the hours of one p.m. and four p.m. on the day
4 of the election, early pick-up officers shall receive
5 the sealed ballot container containing the ballots
6 which have been voted throughout the day along with a
7 signed statement of the precinct attesting to the
8 number of declarations of eligibility signed up to
9 that time, excluding those declarations signed by
10 voters who have not yet placed their ballots in the
11 ballot container. The officers shall replace the
12 ballot container containing the voted ballots with an
13 empty ballot container, to be sealed in the presence
14 of a precinct election official."

15 5. Page 20, by inserting after line 7 the
16 following:

17 "Sec. ____ . Section 99F.7, subsection 10, paragraph
18 a, Code Supplement 1993, is amended to read as
19 follows:

20 a. A license to conduct gambling games on an
21 excursion gambling boat in a county shall be issued
22 only if the county electorate approves the conduct of
23 the gambling games as provided in this subsection.
24 The board of supervisors, upon receipt of a valid
25 petition meeting the requirements of section 331.306,
26 shall direct the commissioner of elections to submit
27 to the qualified electors of the county a proposition
28 to approve or disapprove the conduct of gambling games
29 on an excursion gambling boat in the county. The
30 proposition shall be submitted at a general election
31 or at a special election called for that purpose. To
32 be submitted at a general election, the petition must
33 be received by the board of supervisors at least five
34 working days before the last day ~~for~~ candidates for
35 county offices ~~to~~ may file nomination papers with the
36 commissioner for the general election pursuant to
37 section 44.4. If a majority of the county voters
38 voting on the proposition favor the conduct of
39 gambling games, the commission may issue one or more
40 licenses as provided in this chapter. If a majority
41 of the county voters voting on the proposition do not
42 favor the conduct of gambling games, a license to
43 conduct gambling games in the county shall not be
44 issued. After a referendum has been held, another
45 referendum requested by petition shall not be held for
46 at least two years."

47 6. Page 23, by striking lines 20 through 24, and
48 inserting the following: "~~commissioner-of-elections~~
49 ~~to-conduct-the-election:~~ If the charter provides that
50 one or more".

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1 7. Page 23, by striking line 26 and inserting the
2 following: "appoint a person".

3 8. Page 23, by inserting after line 30 the
4 following:

5 "The terms of those officers elected in the year
6 the charter is adopted shall be for two years and
7 shall expire the January following the date of the
8 next general election following the adoption of the
9 charter. Those offices filled at the general election
10 in which the charter was adopted shall be filled at
11 that next general election and the length of such
12 terms shall be two years and shall expire the January
13 following the date of the following general election.
14 Thereafter, those offices shall be filled every four
15 years as provided in section 39.17."

*Div.
A*

16 9. Page 23, by inserting before line 31 the
17 following:

18 "Sec. ____ . Section 331.238, subsection 3, Code
19 1993, is amended to read as follows:

20 3. An alternative form of county government shall
21 provide for the partisan or nonpartisan election of
22 its officers."

*Div.
B.*

23 10. Page 26, by inserting after line 6 the
24 following:

25 "Sec. ____ . Section 372.4, unnumbered paragraph 3,
26 Code 1993, is amended to read as follows:

27 The mayor shall appoint a council member as mayor
28 pro tem, and shall appoint the marshal or chief of
29 police except where an intergovernmental agreement
30 makes other provisions for police protection or as
31 otherwise provided in section 400.13. The mayor may
32 appoint a city treasurer or the council may, by
33 ordinance, provide for the election of the treasurer.
34 Other officers must be selected as directed by the
35 council. The mayor is not a member of the council and
36 may not vote as a member of the council."

*Div.
A*

37 11. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT
CARPENTER of Polk, Chairperson

H-5686 FILED MARCH 25, 1994

A. adopted 4-8-94 (P. 1282)
B. adopted 4-8-94 (P. 1282)

SENATE FILE 2219

H-5987

1 Amend Senate File 2219, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 8, by striking lines 11 and 12 and
4 inserting the following:

5 "Sec. _____. Section 45.3, unnumbered paragraphs 2,
6 3, 4, 5, 6, 7, and 8, Code 1993, are amended by
7 striking the paragraphs and inserting in lieu".

8 2. Page 17, by inserting after line 26 the
9 following:

10 "Sec. _____. Section 56.2, subsection 5, Code
11 Supplement 1993, is amended by striking the
12 subsection.

13 Sec. _____. Section 56.2, subsection 8, Code
14 Supplement 1993, is amended by adding the following
15 new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. "Contribution" shall not
17 include placing or permitting the placement of
18 political yard signs on private property which is
19 located outside of city boundaries or which is located
20 within city boundaries and is used as a private
21 residence. However, this definition shall not be
22 construed to permit the placement of yard signs on
23 public property or on a public right of way.

24 Sec. _____. Section 56.5, subsection 2, paragraph f,
25 Code Supplement 1993, is amended to read as follows:

26 f. A signed statement by the treasurer of the
27 committee and the candidate, in the case of a
28 candidate's committee, ~~or-by-the-treasurer-of-the~~
29 ~~committee-and-the-chairperson, in the case of a~~
30 ~~political committee,~~ which shall verify that they are
31 aware of the requirement to file disclosure reports if
32 the committee, the committee officers, the candidate,
33 or both the committee officers and the candidate
34 receive contributions in excess of five hundred
35 dollars in the aggregate, make expenditures in excess
36 of five hundred dollars in the aggregate, or incur
37 indebtedness in excess of five hundred dollars in the
38 aggregate in a calendar year for the purpose of
39 supporting or opposing any candidate for public
40 office. In the case of political committees,
41 statements relating to ballot issues shall be made by
42 the treasurer of the committee and the chairperson,
43 and a two hundred fifty dollar aggregate threshold
44 level shall apply instead of the five hundred dollar
45 threshold level.

46 Sec. _____. Section 56.5A, Code Supplement 1993, is
47 amended to read as follows:

48 56.5A CANDIDATE'S COMMITTEE.

49 Each candidate for ~~federal,~~ state, county, city, or
50 school office shall organize one, and only one,

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1 candidate's committee for a specific office sought
2 when the candidate receives contributions in excess of
3 five hundred dollars in the aggregate, makes
4 expenditures in excess of five hundred dollars in the
5 aggregate, or incurs indebtedness in excess of ~~two~~
6 five hundred fifty dollars in the aggregate in a
7 calendar year.

8 Sec. . Section 56.6, subsection 1, paragraphs a
9 and d, Code Supplement 1993, are amended to read as
10 follows:

11 a. Each treasurer of a committee shall file with
12 the board or commissioner disclosure reports of
13 contributions received and disbursed on forms
14 prescribed by rules as provided by chapter 17A. The
15 reports from all committees, except those committees
16 for municipal and school elective offices and for
17 local ballot issues, shall be filed on the twentieth
18 day or mailed bearing a United States postal service
19 postmark dated on or before the ~~nineteenth~~ twentieth
20 day of January, May, July, and October of each year.
21 The May, July, and October reports shall be current as
22 of five days prior to the filing deadline. The
23 January report shall be the annual report covering
24 activity through December 31. However, a state, or
25 county, or city statutory political committee is not
26 required to file the May and July reports for a year
27 in which no primary or general election is held at the
28 respective state, county, or city level. A
29 candidate's committee, other than for municipal and
30 school elective offices, for a year in which the
31 candidate is not standing for election, is not
32 required to file the May, July, and October reports.
33 Reports for committees for a ballot issue placed
34 before the voters of the entire state shall be filed
35 at the January, May, July, and October deadlines.

36 d. Committees for municipal and school elective
37 offices and local ballot issues shall file their first
38 reports five days prior to any election in which the
39 name of the candidate or the local ballot issue which
40 they support or oppose appears on the printed ballot
41 and shall file their next report on the first day of
42 the month following the final election in a calendar
43 year in which the candidate's name or the ballot issue
44 appears on the ballot. A committee supporting or
45 opposing a candidate for a municipal or school
46 elective office or a local ballot issue shall also
47 file disclosure reports on the twentieth day of
48 January and October of each year in which the
49 candidate or ballot issue does not appear on the
50 ballot and on the twentieth day of January, May, and

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1 July of each year in which the candidate or ballot
2 issue appears on the ballot, until the committee
3 dissolves. These reports shall be current to five
4 days prior to the filing deadline and are considered
5 timely filed if mailed bearing a United States postal
6 service postmark ~~one-or-more-calendar-days-preceding~~
7 on or before the due date.

8 Sec. _____. Section 56.7, subsection 2, Code 1993,
9 is amended to read as follows:

10 2. A copy of every report or statement shall be
11 preserved by the person filing it or the person's
12 successor for at least ~~one-year~~ three years following
13 the filing of the report or statement.

14 Sec. _____. Section 56.13, Code Supplement 1993, is
15 amended to read as follows:

16 56.13 ~~ACTION-OF-COMMITTEE-IMPUTED-TO-CANDIDATE~~
17 INDEPENDENT EXPENDITURES.

18 1. Action involving a contribution or expenditure
19 which must be reported under this chapter and which is
20 taken by any person, candidate's committee or
21 political committee on behalf of a candidate, if known
22 and approved by the candidate, shall be deemed action
23 by the candidate and reported by the candidate's
24 committee. It shall be presumed that a candidate
25 approves the action if the candidate had knowledge of
26 it and failed to file a statement of disavowal with
27 the commissioner or board and take corrective action
28 within seventy-two hours of the action. A person,
29 candidate's committee or political committee taking
30 such action independently of that candidate's
31 committee shall notify that candidate's committee in
32 writing within twenty-four hours of taking the action.
33 The notification shall provide that candidate's
34 committee with the cost of the promotion at fair
35 market value. A copy of the notification shall be
36 sent to the board.

37 Any person who makes expenditures or incurs
38 indebtedness, other than incidental expenses incurred
39 in performing volunteer work, in support or opposition
40 of a candidate for public office shall notify the
41 appropriate committee and provide necessary
42 information for disclosure reports.

43 2. If a person, other than a political committee,
44 makes one or more expenditures in excess of two
45 hundred fifty dollars in the aggregate, or incurs
46 indebtedness in excess of two hundred fifty dollars in
47 the aggregate, in any one calendar year for purposes
48 of supporting or opposing a ballot issue, the person
49 shall file a statement of activity within ten days of
50 taking the action exceeding the threshold. The

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1 statement shall contain information identifying the
2 person filing the statement, identifying the ballot
3 issue, and indicating the position urged by the person
4 with regard to the ballot issue. The person shall
5 file reports indicating the dates on which the
6 expenditures or incurrence of indebtedness took place;
7 a description of the nature of the action taken which
8 resulted in the expenditures or debt; and the cost of
9 the promotion at fair market value. For a local
10 ballot issue, the reports shall be filed five days
11 prior to any election in which the ballot issue
12 appears and on the first day of the month following
13 the election, as well as on the twentieth day of
14 January, May, and July of each year in which the
15 ballot issue appears on the ballot and on the
16 twentieth day of January and October of each year in
17 which the ballot issue does not appear on the ballot.
18 For a statewide ballot issue, reports shall be filed
19 on the twentieth day of January, May, and July of each
20 year. The reports shall be current to five days prior
21 to the filing deadline, and are considered timely
22 filed if mailed bearing a United States postal service
23 postmark on or before the due date. Filing
24 obligations shall cease when the person files a
25 statement of discontinuation indicating that the
26 person's financial activity in support of or in
27 opposition to the ballot issue has ceased. Statements
28 and reports shall be filed with the commissioner
29 responsible under section 47.2 for conducting the
30 election at which the issue is voted upon, except that
31 reports on a statewide ballot issue shall be filed
32 with the board.

33 3. A person taking action involving the making of
34 an expenditure or incurrence of indebtedness in
35 support or opposition to a ballot issue independently
36 of a political committee shall, within seventy-two
37 hours of taking the action, notify in writing any
38 political committee which advocates the same position
39 with regard to the ballot issue as the person taking
40 the action. The notification shall provide the
41 political committee with the cost of the promotion at
42 fair market value. A copy of the notification shall
43 be sent to the board. It shall be presumed that a
44 benefited committee approves the action if the
45 committee fails to file a statement of disavowal with
46 the commissioner or board and takes corrective action
47 within ten days of the action. Action approved by a
48 committee shall be reported as a contribution by the
49 committee.

50 4. However, -this This section shall not be

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1 construed to require duplicate reporting of anything
2 reported under this chapter, by a political committee,
3 or except that actions which constitute contributions
4 in kind shall be reported by the benefited committee.
5 This section shall not be construed to require
6 reporting of action by any person which does not
7 constitute a contribution."

8 4. Title page, line 1, by inserting after the
9 word "state" the following: "and ethics and campaign
10 disclosure board".

11 5. Title page, line 3, by inserting after the
12 word "election" the following: "and campaign
13 finance".

14 6. By numbering, renumbering, and changing
15 internal references as necessary.

By CARPENTER of Polk
HANSON of Delaware

H-5987 FILED APRIL 6, 1994

adopted 4-8-94
(p. 1288)

SENATE FILE 2219

H-6040

1 Amend the amendment, H-5987, to Senate File 2219,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 23 the
5 following:

6 "Sec. ____ . Section 56.2, subsection 15, Code
7 Supplement 1993, is amended to read as follows:

8 15. "Political committee" means a committee, but
9 not a candidate's committee, which accepts
10 contributions in excess of two hundred fifty dollars
11 in the aggregate, makes expenditures in excess of two
12 hundred fifty dollars in the aggregate, or incurs
13 indebtedness in excess of two hundred fifty dollars in
14 the aggregate in any one calendar year for the purpose
15 of supporting or opposing a candidate for public
16 office or ballot issue, or which accepts contributions
17 in excess of five hundred dollars in the aggregate,
18 makes expenditures in excess of five hundred dollars
19 in the aggregate, or incurs indebtedness in excess of
20 five hundred dollars in the aggregate in any one
21 calendar year for the purpose of supporting or
22 opposing a ballot issue; "political committee" also
23 means an association, lodge, society, cooperative,
24 union, fraternity, sorority, educational institution,
25 civic organization, labor organization, religious
26 organization, or professional organization which makes
27 contributions in the aggregate of more than two
28 hundred fifty dollars in any one calendar year for the
29 purpose of supporting or opposing a candidate for
30 public office or a ballot issue or which accepts
31 contributions in excess of five hundred dollars in the
32 aggregate, makes expenditures in excess of five
33 hundred dollars in the aggregate, or incurs
34 indebtedness in excess of five hundred dollars in the
35 aggregate in any one calendar year for the purpose of
36 supporting or opposing a ballot issue. "Political
37 committee" also includes a committee which accepts
38 contributions in excess of two hundred fifty dollars
39 in the aggregate, makes expenditures in excess of two
40 hundred fifty dollars in the aggregate, or incurs
41 indebtedness in excess of two hundred fifty dollars in
42 the aggregate in a calendar year to cause the
43 publication or broadcasting of material in which the
44 public policy positions or voting record of an
45 identifiable candidate is discussed and in which a
46 reasonable person could find commentary favorable or
47 unfavorable to those public policy positions or voting
48 record."

49 2. Page 1, line 42, by striking the word
50 "chairperson," and inserting the following:

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Page 2

- 1 "chairperson".
- 2 3. Page 1, by striking lines 43 through 45 and
- 3 inserting the following: "~~a-two-hundred-fifty-dollar~~
- 4 ~~aggregate-threshold-level-shall-apply-instead-of-the~~
- 5 ~~five-hundred-dollar-threshold-level.~~"
- 6 4. Page 3, lines 44 and 45, by striking the words
- 7 "two hundred fifty" and inserting the following:
- 8 "five hundred".
- 9 5. Page 3, line 46, by striking the words "two
- 10 hundred fifty" and inserting the following: "five
- 11 hundred".
- 12 6. Page 5, by inserting after line 10 the
- 13 following:
- 14 "____. Title page, line 2, by inserting after the
- 15 word "state," the following: "changing the threshold
- 16 reporting level for ballot issues,"."
- 17 7. By numbering and renumbering as necessary.

By CARPENTER of Polk
 HANSON of Delaware
 HALVORSON of Webster

H-6040 FILED APRIL 7, 1994

Adopted 4-8-94
(P. 1288)

SENATE FILE 2219

H-6056

- 1 Amend Senate File 2219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, by inserting after line 8 the
- 4 following:
- 5 "Sec. ____ . BISON -- SESQUICENTENNIAL STATE MAMMAL.
- 6 The species Bison bison, also known as the North
- 7 American bison or buffalo, is designated and shall be
- 8 known as the official state mammal for the period of
- 9 Iowa's sesquicentennial, from 1846 through 1996. The
- 10 secretary of state and the editor of the Iowa official
- 11 register shall include an appropriate photograph
- 12 illustrating the North American bison or buffalo,
- 13 accompanied by suitable text designating the North
- 14 American bison or buffalo as the official state mammal
- 15 for the period of the Iowa sesquicentennial, in the
- 16 portion of the Iowa official register that contains
- 17 the other symbols of Iowa, including, but not limited
- 18 to, the great seal, the state flower, the song of
- 19 Iowa, the state bird, the state rock, and the state
- 20 tree."
- 21 2. Title page, line 2, by inserting after the
- 22 word "state," the following: "certain duties of the
- 23 secretary of state,".
- 24 3. By numbering, renumbering, and changing
- 25 internal references as necessary.

By BODDICKER of Cedar

H-6056 FILED APRIL 8, 1994

Lost
4-8-94
(P. 1290)

HOUSE AMENDMENT TO
SENATE FILE 2219

S-5560

1 Amend Senate File 2219, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 8, by striking lines 11 and 12 and
4 inserting the following:
5 "Sec. _____. Section 45.3, unnumbered paragraphs 2,
6 3, 4, 5, 6, 7, and 8, Code 1993, are amended by
7 striking the paragraphs and inserting in lieu".
8 2. Page 9, by striking lines 12 through 28.
9 3. Page 10, by inserting after line 2 the
10 following:
11 "Sec. _____. Section 49.20, Code 1993, is amended to
12 read as follows:
13 49.20 COMPENSATION OF MEMBERS.
14 The members of election boards shall be deemed
15 temporary state employees who are compensated by the
16 county in which they serve, and shall receive
17 compensation at a rate established by the board of
18 supervisors, which shall be not less than three
19 dollars and fifty cents per hour, while engaged in the
20 discharge of their duties and shall be reimbursed for
21 actual and necessary travel expense at a rate
22 determined by the board of supervisors, except that
23 persons who have advised the commissioner prior to
24 their appointment to the election board that they are
25 willing to serve without pay at elections conducted
26 for any school district or a city of three thousand
27 five hundred or less population, shall receive no
28 compensation for service at those elections.
29 Compensation shall be paid to members of election
30 boards only after the vote has been canvassed and it
31 has been determined in the course of the canvass that
32 the election record certificate has been properly
33 executed by the election board."
34 4. Page 13, by inserting before line 1 the
35 following:
36 "Sec. _____. Section 49.125, Code 1993, is amended
37 to read as follows:
38 49.125 COMPENSATION OF TRAINEES.
39 All election personnel attending such training
40 course shall be paid for attending such course for a
41 period not to exceed two hours, and shall be
42 reimbursed for travel to and from the place where the
43 training is given at the rate ~~specified in~~ established
44 pursuant to section 70A-9 49.20 if the distance
45 involved is more than five miles. The wages shall be
46 computed at the hourly rate established pursuant to
47 section 49.20 and payment of wages and mileage for
48 attendance shall be made at the time that payment is
49 made for duties performed on election day."
50 5. Page 14, by inserting after line 2 the

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Page 2

1 following:

2 "Sec. _____. Section 52.40, subsection 1, Code

3 Supplement 1993, is amended to read as follows:

4 1. In counties where counting centers have been
5 established under section 52.34, the commissioner may
6 ~~for-general-elections-only~~, designate certain polling
7 places as early ballot pick-up sites. At these sites,
8 between the hours of one p.m. and four p.m. on the day
9 of the election, early pick-up officers shall receive
10 the sealed ballot container containing the ballots
11 which have been voted throughout the day along with a
12 signed statement of the precinct attesting to the
13 number of declarations of eligibility signed up to
14 that time, excluding those declarations signed by
15 voters who have not yet placed their ballots in the
16 ballot container. The officers shall replace the
17 ballot container containing the voted ballots with an
18 empty ballot container, to be sealed in the presence
19 of a precinct election official."

20 6. Page 17, by inserting after line 26 the
21 following:

22 "Sec. _____. Section 56.2, subsection 5, Code
23 Supplement 1993, is amended by striking the
24 subsection.

25 Sec. _____. Section 56.2, subsection 8, Code
26 Supplement 1993, is amended by adding the following
27 new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. "Contribution" shall not
29 include placing or permitting the placement of
30 political yard signs on private property which is
31 located outside of city boundaries or which is located
32 within city boundaries and is used as a private
33 residence. However, this definition shall not be
34 construed to permit the placement of yard signs on
35 public property or on a public right of way.

36 Sec. _____. Section 56.2, subsection 15, Code
37 Supplement 1993, is amended to read as follows:

38 15. "Political committee" means a committee, but
39 not a candidate's committee, which accepts
40 contributions in excess of two hundred fifty dollars
41 in the aggregate, makes expenditures in excess of two
42 hundred fifty dollars in the aggregate, or incurs
43 indebtedness in excess of two hundred fifty dollars in
44 the aggregate in any one calendar year for the purpose
45 of supporting or opposing a candidate for public
46 office ~~or-ballot-issue~~, or which accepts contributions
47 in excess of five hundred dollars in the aggregate,
48 makes expenditures in excess of five hundred dollars
49 in the aggregate, or incurs indebtedness in excess of
50 five hundred dollars in the aggregate in any one

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1 calendar year for the purpose of supporting or
2 opposing a ballot issue; "political committee" also
3 means an association, lodge, society, cooperative,
4 union, fraternity, sorority, educational institution,
5 civic organization, labor organization, religious
6 organization, or professional organization which makes
7 contributions in the aggregate of more than two
8 hundred fifty dollars in any one calendar year for the
9 purpose of supporting or opposing a candidate for
10 public office or-a-ballot-issue or which accepts
11 contributions in excess of five hundred dollars in the
12 aggregate, makes expenditures in excess of five
13 hundred dollars in the aggregate, or incurs
14 indebtedness in excess of five hundred dollars in the
15 aggregate in any one calendar year for the purpose of
16 supporting or opposing a ballot issue. "Political
17 committee" also includes a committee which accepts
18 contributions in excess of two hundred fifty dollars
19 in the aggregate, makes expenditures in excess of two
20 hundred fifty dollars in the aggregate, or incurs
21 indebtedness in excess of two hundred fifty dollars in
22 the aggregate in a calendar year to cause the
23 publication or broadcasting of material in which the
24 public policy positions or voting record of an
25 identifiable candidate is discussed and in which a
26 reasonable person could find commentary favorable or
27 unfavorable to those public policy positions or voting
28 record.

29 Sec. ____ . Section 56.5, subsection 2, paragraph f,
30 Code Supplement 1993, is amended to read as follows:

31 f. A signed statement by the treasurer of the
32 committee and the candidate, in the case of a
33 candidate's committee, ~~or-by-the-treasurer-of-the~~
34 ~~committee-and-the-chairperson,-in-the-case-of-a~~
35 ~~political-committee,~~ which shall verify that they are
36 aware of the requirement to file disclosure reports if
37 the committee, the committee officers, the candidate,
38 or both the committee officers and the candidate
39 receive contributions in excess of five hundred
40 dollars in the aggregate, make expenditures in excess
41 of five hundred dollars in the aggregate, or incur
42 indebtedness in excess of five hundred dollars in the
43 aggregate in a calendar year for the purpose of
44 supporting or opposing any candidate for public
45 office. In the case of political committees,
46 statements relating-to-ballot-issues shall be made by
47 the treasurer of the committee and the chairperson a
48 two-hundred-fifty-dollar-aggregate-threshold-level
49 shall-apply-instead-of-the-five-hundred-dollar
50 threshold-level.

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1 Sec. _____. Section 56.5A, Code Supplement 1993, is
2 amended to read as follows:

3 56.5A CANDIDATE'S COMMITTEE.

4 Each candidate for ~~federal~~, state, county, city, or
5 school office shall organize one, and only one,
6 candidate's committee for a specific office sought
7 when the candidate receives contributions in excess of
8 five hundred dollars in the aggregate, makes
9 expenditures in excess of five hundred dollars in the
10 aggregate, or incurs indebtedness in excess of ~~two~~
11 five hundred fifty dollars in the aggregate in a
12 calendar year.

13 Sec. _____. Section 56.6, subsection 1, paragraphs a
14 and d, Code Supplement 1993, are amended to read as
15 follows:

16 a. Each treasurer of a committee shall file with
17 the board or commissioner disclosure reports of
18 contributions received and disbursed on forms
19 prescribed by rules as provided by chapter 17A. The
20 reports from all committees, except those committees
21 for municipal and school elective offices and for
22 local ballot issues, shall be filed on the twentieth
23 day or mailed bearing a United States postal service
24 postmark dated on or before the ~~nineteenth~~ twentieth
25 day of January, May, July, and October of each year.
26 The May, July, and October reports shall be current as
27 of five days prior to the filing deadline. The
28 January report shall be the annual report covering
29 activity through December 31. However, a state, or
30 county, or city statutory political committee is not
31 required to file the May and July reports for a year
32 in which no primary or general election is held at the
33 respective state, county, or city level. A
34 candidate's committee, other than for municipal and
35 school elective offices, for a year in which the
36 candidate is not standing for election, is not
37 required to file the May, July, and October reports.
38 Reports for committees for a ballot issue placed
39 before the voters of the entire state shall be filed
40 at the January, May, July, and October deadlines.

41 d. Committees for municipal and school elective
42 offices and local ballot issues shall file their first
43 reports five days prior to any election in which the
44 name of the candidate or the local ballot issue which
45 they support or oppose appears on the printed ballot
46 and shall file their next report on the first day of
47 the month following the final election in a calendar
48 year in which the candidate's name or the ballot issue
49 appears on the ballot. A committee supporting or
50 opposing a candidate for a municipal or school

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1 elective office or a local ballot issue shall also
2 file disclosure reports on the twentieth day of
3 January and October of each year in which the
4 candidate or ballot issue does not appear on the
5 ballot and on the twentieth day of January, May, and
6 July of each year in which the candidate or ballot
7 issue appears on the ballot, until the committee
8 dissolves. These reports shall be current to five
9 days prior to the filing deadline and are considered
10 timely filed if mailed bearing a United States postal
11 service postmark one-or-more-calendar-days-preceding
12 on or before the due date.

13 Sec. ____. Section 56.7, subsection 2, Code 1993,
14 is amended to read as follows:

15 2. A copy of every report or statement shall be
16 preserved by the person filing it or the person's
17 successor for at least one-year three years following
18 the filing of the report or statement.

19 Sec. ____. Section 56.13, Code Supplement 1993, is
20 amended to read as follows:

21 56.13 ACTION-OF-COMMITTEE-IMPUTED-TO-CANDIDATE
22 INDEPENDENT EXPENDITURES.

23 1. Action involving a contribution or expenditure
24 which must be reported under this chapter and which is
25 taken by any person, candidate's committee or
26 political committee on behalf of a candidate, if known
27 and approved by the candidate, shall be deemed action
28 by the candidate and reported by the candidate's
29 committee. It shall be presumed that a candidate
30 approves the action if the candidate had knowledge of
31 it and failed to file a statement of disavowal with
32 the commissioner or board and take corrective action
33 within seventy-two hours of the action. A person,
34 candidate's committee or political committee taking
35 such action independently of that candidate's
36 committee shall notify that candidate's committee in
37 writing within twenty-four hours of taking the action.
38 The notification shall provide that candidate's
39 committee with the cost of the promotion at fair
40 market value. A copy of the notification shall be
41 sent to the board.

42 Any person who makes expenditures or incurs
43 indebtedness, other than incidental expenses incurred
44 in performing volunteer work, in support or opposition
45 of a candidate for public office shall notify the
46 appropriate committee and provide necessary
47 information for disclosure reports.

48 2. If a person, other than a political committee,
49 makes one or more expenditures in excess of five
50 hundred dollars in the aggregate, or incurs

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1 indebtedness in excess of five hundred dollars in the
2 aggregate, in any one calendar year for purposes of
3 supporting or opposing a ballot issue, the person
4 shall file a statement of activity within ten days of
5 taking the action exceeding the threshold. The
6 statement shall contain information identifying the
7 person filing the statement, identifying the ballot
8 issue, and indicating the position urged by the person
9 with regard to the ballot issue. The person shall
10 file reports indicating the dates on which the
11 expenditures or incurrence of indebtedness took place;
12 a description of the nature of the action taken which
13 resulted in the expenditures or debt; and the cost of
14 the promotion at fair market value. For a local
15 ballot issue, the reports shall be filed five days
16 prior to any election in which the ballot issue
17 appears and on the first day of the month following
18 the election, as well as on the twentieth day of
19 January, May, and July of each year in which the
20 ballot issue appears on the ballot and on the
21 twentieth day of January and October of each year in
22 which the ballot issue does not appear on the ballot.
23 For a statewide ballot issue, reports shall be filed
24 on the twentieth day of January, May, and July of each
25 year. The reports shall be current to five days prior
26 to the filing deadline, and are considered timely
27 filed if mailed bearing a United States postal service
28 postmark on or before the due date. Filing
29 obligations shall cease when the person files a
30 statement of discontinuation indicating that the
31 person's financial activity in support of or in
32 opposition to the ballot issue has ceased. Statements
33 and reports shall be filed with the commissioner
34 responsible under section 47.2 for conducting the
35 election at which the issue is voted upon, except that
36 reports on a statewide ballot issue shall be filed
37 with the board.

38 3. A person taking action involving the making of
39 an expenditure or incurrence of indebtedness in
40 support or opposition to a ballot issue independently
41 of a political committee shall, within seventy-two
42 hours of taking the action, notify in writing any
43 political committee which advocates the same position
44 with regard to the ballot issue as the person taking
45 the action. The notification shall provide the
46 political committee with the cost of the promotion at
47 fair market value. A copy of the notification shall
48 be sent to the board. It shall be presumed that a
49 benefited committee approves the action if the
50 committee fails to file a statement of disavowal with

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Page 7

1 the commissioner or board and takes corrective action
2 within ten days of the action. Action approved by a
3 committee shall be reported as a contribution by the
4 committee.

5 4. However, this This section shall not be
6 construed to require duplicate reporting of anything
7 reported under this chapter, by a political committee,
8 or except that actions which constitute contributions
9 in kind shall be reported by the benefited committee.
10 This section shall not be construed to require
11 reporting of action by any person which does not
12 constitute a contribution."

13 7. Page 20, by inserting after line 7 the
14 following:

15 "Sec. ____ . Section 99F.7, subsection 10, paragraph
16 a, Code Supplement 1993, is amended to read as
17 follows:

18 a. A license to conduct gambling games on an
19 excursion gambling boat in a county shall be issued
20 only if the county electorate approves the conduct of
21 the gambling games as provided in this subsection.
22 The board of supervisors, upon receipt of a valid
23 petition meeting the requirements of section 331.306,
24 shall direct the commissioner of elections to submit
25 to the qualified electors of the county a proposition
26 to approve or disapprove the conduct of gambling games
27 on an excursion gambling boat in the county. The
28 proposition shall be submitted at a general election
29 or at a special election called for that purpose. To
30 be submitted at a general election, the petition must
31 be received by the board of supervisors at least five
32 working days before the last day for candidates for
33 county offices to may file nomination papers with the
34 commissioner for the general election pursuant to
35 section 44.4. If a majority of the county voters
36 voting on the proposition favor the conduct of
37 gambling games, the commission may issue one or more
38 licenses as provided in this chapter. If a majority
39 of the county voters voting on the proposition do not
40 favor the conduct of gambling games, a license to
41 conduct gambling games in the county shall not be
42 issued. After a referendum has been held, another
43 referendum requested by petition shall not be held for
44 at least two years."

45 8. Page 23, by striking lines 20 through 24, and
46 inserting the following: "commissioner-of-elections
47 to-conduct-the-election: If the charter provides that
48 one or more".

49 9. Page 23, by striking line 26 and inserting the
50 following: "appoint a person".

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1 10. Page 23, by inserting after line 30 the
2 following:

3 "The terms of those officers elected in the year
4 the charter is adopted shall be for two years and
5 shall expire the January following the date of the
6 next general election following the adoption of the
7 charter. Those offices filled at the general election
8 in which the charter was adopted shall be filled at
9 that next general election and the length of such
10 terms shall be two years and shall expire the January
11 following the date of the following general election.
12 Thereafter, those offices shall be filled every four
13 years as provided in section 39.17."

14 11. Page 23, by inserting before line 31 the
15 following:

16 "Sec. ____ . Section 331.238, subsection 3, Code
17 1993, is amended to read as follows:

18 3. An alternative form of county government shall
19 provide for the partisan or nonpartisan election of
20 its officers."

21 12. Page 26, by inserting after line 6 the
22 following:

23 "Sec. ____ . Section 372.4, unnumbered paragraph 3,
24 Code 1993, is amended to read as follows:

25 The mayor shall appoint a council member as mayor
26 pro tem, and shall appoint the marshal or chief of
27 police except where an intergovernmental agreement
28 makes other provisions for police protection or as
29 otherwise provided in section 400.13. The mayor may
30 appoint a city treasurer or the council may, by
31 ordinance, provide for the election of the treasurer.
32 Other officers must be selected as directed by the
33 council. The mayor is not a member of the council and
34 may not vote as a member of the council."

35 13. Title page, line 1, by inserting after the
36 word "state" the following: "and ethics and campaign
37 disclosure board".

38 14. Title page, line 2, by inserting after the
39 word "state," the following: "changing the threshold
40 reporting level for ballot issues,".

41 15. Title page, line 3, by inserting after the
42 word "election" the following: "and campaign
43 finance".

44 16. By renumbering, relettering, or redesignating
45 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5560 FILED APRIL 11, 1994

Senate Concurred 4-15-94 (p. 1295)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2219
H-6331

- 1 Amend the House amendment, S-5560, to Senate File
2 2219, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 9 through 49.
5 2. Page 2, by striking lines 25 through 35.
6 3. By striking page 4, line 13 through page 5,
7 line 12.
8 4. By striking page 7, line 13 through page 8,
9 line 34.
10 5. By renumbering and correcting internal
11 references as necessary.

RECEIVED FROM THE SENATE

H-6331 FILED APRIL 19, 1994

House Concurred
4.19.94
P. 1971

Gronstal - Chair

Kibbie

Sorensen

R. H. Mer

Drake

SSB-2142

State Government

SENATE/HOUSE FILE 2219
BY (PROPOSED SECRETARY OF STATE
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the office of secretary of state, the conduct
2 of elections and voter registration in the state, and relating
3 to corrective and technical changes to Iowa's election laws.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 43.6, subsection 2, Code 1993, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 When a vacancy occurs in the office of county supervisor or
5 any of the offices listed in section 39.17 and more than
6 seventy days remain in the term of office following the next
7 general election, the office shall be filled for the balance
8 of the unexpired term at that general election unless the
9 vacancy has been filled by a special election called more than
10 seventy-three days before the primary election. If an
11 appointment to fill the vacancy in office is made eighty-eight
12 or more days before the primary election and a petition
13 requesting a special election has not been received within
14 fourteen days after the appointment is made, candidates for
15 the office shall be nominated at the primary election.

16 Sec. 2. Section 43.14, unnumbered paragraph 1, Code 1993,
17 is amended to read as follows:

18 All nomination papers shall be about eight and one-half by
19 ~~thirteen~~ fourteen inches in size and in substantially the
20 following form:

21 Sec. 3. Section 43.18, Code 1993, is amended by striking
22 the section and inserting in lieu thereof the following:

23 43.18 AFFIDAVIT OF CANDIDACY.

24 Each candidate shall complete and file a signed, notarized
25 affidavit of candidacy. The affidavit shall be in the form
26 prescribed by the secretary of state and shall include the
27 following information:

28 1. The candidate's name in the form the candidate wants it
29 to appear on the ballot.

30 2. The candidate's home address.

31 3. The name of the county in which the candidate resides.

32 4. The political party with which the candidate is
33 registered to vote.

34 5. The office sought by the candidate, and the district
35 the candidate seeks to represent, if any.

1 6. A declaration that if the candidate is nominated and
2 elected the candidate will qualify by taking the oath of
3 office.

4 7. A statement that the candidate is aware that the
5 candidate is required to organize a candidate's committee
6 which shall file an organization statement and disclosure
7 reports if the committee or the candidate receives
8 contributions, makes expenditures, or incurs indebtedness in
9 excess of the reporting threshold in section 56.2, subsection
10 4. This subsection shall not apply to candidates for federal
11 office.

12 8. A statement that the candidate is aware of the
13 prohibition in section 43.20 against being a candidate for
14 more than one office appearing on the primary election ballot.

15 Sec. 4. Section 43.26, Code 1993, is amended to read as
16 follows:

17 43.26 BALLOT -- FORM.

18 The official primary election ballot shall be prepared,
19 arranged, and printed substantially in the following form:

20 PRIMARY ELECTION BALLOT

21 (Name of Party) of

22 County of, State of Iowa,

23 ...Rotation (if any).

24 Primary election held on

25 the ...day of June, 19..

26 FOR UNITED STATES SENATOR

27 (Vote for no more than one.)

28 ___ CANDIDATE'S NAME

29 ___ CANDIDATE'S NAME

30

31 FOR UNITED STATES REPRESENTATIVE

32 (Vote for no more than one.)

33 ___ CANDIDATE'S NAME

34 ___ CANDIDATE'S NAME

35

1 FOR GOVERNOR
2 ___ (Vote for no more than one.)
3 ___ CANDIDATE'S NAME
4 ___ CANDIDATE'S NAME
5 ___
6 (Followed by other elective state officers in the order in
7 which they appear in section 39.9 and district officers in the
8 order in which they appear in sections 39.15 and 39.16.)

9 FOR BOARD OF SUPERVISORS
10 (Vote for no more than two.)
11 CANDIDATE'S NAME
12 CANDIDATE'S NAME
13
14

15 FOR COUNTY AUDITOR
16 (Vote for no more than one.)
17 ___ CANDIDATE'S NAME
18 ___ CANDIDATE'S NAME
19 ___
20 (Followed by other elective county officers in the order in
21 which they appear in sections section 39.17 and 39.18.)

22 FOR TOWNSHIP CLERK
23 (Vote for no more than one.)
24 ___ CANDIDATE'S NAME
25 ___ CANDIDATE'S NAME
26 ___

27 FOR TOWNSHIP TRUSTEES
28 (Vote for no more than two.)
29 ___ CANDIDATE'S NAME
30 ___ CANDIDATE'S NAME
31 ___ CANDIDATE'S NAME
32 ___
33 ___

34 Sec. 5. Section 43.67, Code 1993, is amended by striking
35 the section and inserting in lieu thereof the following:

1 43.67 NOMINEE'S RIGHT TO PLACE ON BALLOT.

2 Each candidate nominated pursuant to section 43.66 is
3 entitled to have the candidate's name printed on the official
4 ballot to be voted at the general election without other
5 certificate unless the candidate was nominated by write-in
6 votes. Immediately after the completion of the canvass held
7 under section 43.49, the county auditor shall notify each
8 person who was nominated by write-in votes for a county or
9 township office that the person is required to file an
10 affidavit of candidacy if the person wishes to be a candidate
11 for that office at the general election. Immediately after
12 the completion of the canvass held under section 43.63, the
13 secretary of state shall notify each person who was nominated
14 by write-in votes for a state or federal office that the
15 person is required to file an affidavit of candidacy if the
16 person wishes to be a candidate for that office at the general
17 election. If the affidavit is not filed by five p.m. on the
18 seventh day after the completion of the canvass, that person's
19 name shall not be placed upon the official general election
20 ballot. The affidavit shall be signed by the candidate,
21 notarized, and filed with the county auditor or the secretary
22 of state, whichever is applicable.

23 The affidavit shall be in the form prescribed by the
24 secretary of state. The affidavit shall include the following
25 information:

26 1. The candidate's name in the form the candidate wants it
27 to appear on the ballot.

28 2. The candidate's home address.

29 3. The name of the county in which the candidate resides.

30 4. The political party by which the candidate was
31 nominated.

32 5. The office sought by the candidate, and the district
33 the candidate seeks to represent, if any.

34 6. A declaration that if the candidate is elected the
35 candidate will qualify by taking the oath of office.

1 7. A statement that the candidate is aware that the
2 candidate is required to organize a candidate's committee
3 which shall file an organization statement and disclosure
4 reports if the committee or the candidate receives
5 contributions, makes expenditures, or incurs indebtedness in
6 excess of the reporting threshold in section 56.2, subsection
7 4. This subsection shall not apply to candidates for federal
8 office.

9 8. A statement that the candidate is aware of the
10 prohibition in section 49.41 against being a candidate for
11 more than one office to be filled at the same election, except
12 county agricultural extension council, soil and water
13 conservation district commission, and regional library board
14 of trustees.

15 Sec. 6. Section 43.77, subsection 4, Code 1993, is amended
16 to read as follows:

17 4. A vacancy has occurred in the office of senator in the
18 Congress of the United States, lieutenant governor, secretary
19 of state, auditor of state, treasurer of state, secretary of
20 agriculture, or attorney general, under the circumstances
21 described in section 69.13, ~~subsection-1,~~ less than eighty-
22 nine days before the primary election and not less than
23 eighty-nine days before the general election, ~~or in the office~~
24 ~~of county supervisor or any of the offices listed in section~~
25 ~~39.17, under the circumstances described in section 69.13,~~
26 ~~subsection-2, less than seventy-four days before the primary~~
27 ~~election and not less than seventy-four days before the~~
28 ~~general election.~~

29 Sec. 7. Section 43.77, Code 1993, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 5. A vacancy has occurred in the office
32 of county supervisor or in any of the offices listed in
33 section 39.17 and the term of office has more than seventy
34 days remaining after the date of the next general election and
35 one of the following circumstances applies:

1 a. The vacancy occurred during the period beginning
2 seventy-three days before the primary election and ending on
3 the date of the primary election and no special election was
4 called to fill the vacancy.

5 b. The vacancy occurred after the date of the primary
6 election and more than seventy-three days before the general
7 election.

8 Sec. 8. Section 44.3, Code 1993, is amended by striking
9 the section and inserting in lieu thereof the following:

10 44.3 CERTIFICATE.

11 1. The certificate required by section 44.2 shall state
12 the following information:

13 a. The name of each candidate nominated.

14 b. The office to which each candidate is nominated.

15 c. The name of the political organization making such
16 nomination, expressed in not more than five words.

17 d. The place of residence of each nominee, with the street
18 or number thereof, if any.

19 e. In case of presidential candidates, the names and
20 addresses of presidential electors shall be stated, and the
21 names of the candidates for president and vice president shall
22 be added to the name of the organization.

23 f. The name and address of each member of the
24 organization's executive or central committee.

25 g. The provisions, if any, made for filling vacancies in
26 nominations.

27 h. The name and address of each delegate or voter in
28 attendance at a convention or caucus where a nomination is
29 made.

30 2. Each candidate nominated by the convention or caucus
31 shall complete and file a signed, notarized affidavit of
32 candidacy. The affidavit shall be in the form prescribed by
33 the secretary of state. The affidavit shall include the
34 following information:

35 a. The candidate's name in the form the candidate wants it

1 to appear on the ballot.

2 b. The candidate's home address.

3 c. The name of the county in which the candidate resides.

4 d. The name of the political organization by which the
5 candidate was nominated.

6 e. The office sought by the candidate, and the district
7 the candidate seeks to represent, if any.

8 f. A declaration that if the candidate is elected the
9 candidate will qualify by taking the oath of office.

10 g. A statement that the candidate is aware that the
11 candidate is required to organize a candidate's committee
12 which shall file an organization statement and disclosure
13 reports if the committee or the candidate receives
14 contributions, makes expenditures, or incurs indebtedness in
15 excess of the reporting threshold in section 56.2, subsection
16 4. This subsection shall not apply to candidates for federal
17 office.

18 h. A statement that the candidate is aware of the
19 prohibition in section 49.41 against being a candidate for
20 more than one office to be filled at the same election, except
21 county agricultural extension council, soil and water
22 conservation district commission, and regional library board
23 of trustees.

24 Sec. 9. Section 45.1, Code Supplement 1993, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 10. Nominations for township officers may
27 be made by nomination petitions signed by not less than ten
28 eligible electors of the township.

29 Sec. 10. Section 45.3, unnumbered paragraph 2, Code 1993,
30 is amended by striking the paragraph and inserting in lieu
31 thereof the following:

32 Each candidate shall complete and file a signed, notarized
33 affidavit of candidacy. The affidavit shall be filed at the
34 same time as the nomination petition. The affidavit shall be
35 in the form prescribed by the secretary of state and shall

1 include the following information:

2 1. The candidate's name in the form the candidate wants it
3 to appear on the ballot.

4 2. The candidate's home address.

5 3. The name of the county in which the candidate resides.

6 4. The name of the political organization by which the
7 candidate was nominated, if any.

8 5. The office sought by the candidate, and the district
9 the candidate seeks to represent, if any.

10 6. A declaration that if the candidate is elected the
11 candidate will qualify by taking the oath of office.

12 7. A statement that the candidate is aware that the
13 candidate is required to organize a candidate's committee
14 which shall file an organization statement and disclosure
15 reports if the committee or the candidate receives
16 contributions, makes expenditures, or incurs indebtedness in
17 excess of the reporting threshold in section 56.2, subsection
18 4. This subsection shall not apply to candidates for federal
19 office.

20 8. A statement that the candidate is aware of the
21 prohibition in section 49.41 against being a candidate for
22 more than one office to be filled at the same election, except
23 county agricultural extension council, soil and water
24 conservation district commission, and regional library board
25 of trustees.

26 Sec. 11. Section 47.4, Code 1993, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 4. A United States citizen who has never
29 resided in the United States but whose parent is a member of
30 the armed forces of the United States under section 53.37 is
31 eligible to register and vote under the same voting residence
32 claimed by that person's parent.

33 Sec. 12. Section 48.11, Code 1993, is amended by adding
34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. The time limits for voter

1 registration shall not apply to a person who has been
2 discharged from military service within fourteen days
3 preceding the date of an election. The person shall present
4 to the precinct election officials a copy of the person's
5 military service discharge papers. The person shall complete
6 a voter registration form and return it to the officials
7 before being permitted to vote.

8 Sec. 13. Section 49.11, subsection 2, Code Supplement
9 1993, is amended to read as follows:

10 2. Divide any precinct permanently established under this
11 section which contains all or any parts of two or more
12 mutually exclusive political subdivisions, each either or both
13 of which is independently electing one or more officers or
14 voting on one or more questions on the same date, into two or
15 more temporary precincts and designate a polling place for
16 each.

17 Sec. 14. Section 49.73, subsection 1, Code Supplement
18 1993, is amended by adding the following new paragraph:

19 NEW PARAGRAPH. d. Any election conducted for a benefited
20 district.

21 Sec. 15. Section 49.77, subsection 1, Code 1993, is
22 amended to read as follows:

23 1. The board members of their respective precincts shall
24 have charge of the ballots and furnish them to the voters.
25 Any person desiring to vote shall sign a voter's declaration
26 provided by the officials, in substantially the following
27 form:

28 VOTER'S DECLARATION OF ELIGIBILITY

29 I do solemnly swear or affirm that I am a resident of the
30 precinct, ward or township, city of, county
31 of, Iowa.

32 I am a qualified elector. I have not voted and will not
33 vote in any other precinct in said election.

34 ~~{For-primary-election-only:}-I-am-affiliated-with-the~~
35 ~~-----party-~~

1 I understand that any false statement in this declaration
2 is a criminal offense punishable as provided by law.

3
4 SIGNATURE OF VOTER
5
6 ADDRESS
7
8 TELEPHONE

9 Approved:

10

11 BOARD MEMBER

12 Sec. 16. Section 49.82, Code 1993, is amended to read as
13 follows:

14 49.82 VOTER TO RECEIVE ONE BALLOT -- ENDORSEMENT.

15 ~~One~~ When an empty voting booth is available, one of the
16 precinct election officials shall give-the-voter endorse the
17 official's initials on each ballot the voter will receive.
18 The initials shall be placed so that they may be seen when the
19 ballot is properly folded or enclosed in a secrecy folder.
20 The official shall give the voter one and only one of each of
21 the ballots to be voted at that election in that precinct,
22 except as provided by section 49.1007-on-the-back-of-which-a
23 precinct-election-official-shall-endorse-the-official's
24 initials-so-that-they-may-be-seen-when-the-ballot-is-properly
25 folded. No ballot without the required official endorsement
26 shall be deposited placed in the ballot box.

27 Sec. 17. Section 49.84, Code 1993, is amended to read as
28 follows:

29 49.84 MARKING AND RETURN OF BALLOT.

30 ~~On-receipt-of~~ After receiving the ballot, the voter shall
31 immediately ~~retire~~ go alone to one of the voting booths, and
32 without delay mark the ballot ~~and before.~~ All voters shall
33 vote in booths. No special lines shall be used to separate
34 voters who state that they wish to vote only a portion of the
35 ballot.

1 Before leaving the voting booth, the voter shall fold the
2 ballot so-as or enclose it in a secrecy folder to conceal the
3 marks thereon, and on the ballot. The voter shall deliver it
4 the ballot to one of the precinct election officials. No
5 identifying mark or symbol shall be endorsed on the back of
6 the voter's ballot. If the precinct has a portable vote
7 tallying system which will not permit more than one ballot to
8 be inserted at a time, the voter may insert the ballot into
9 the tabulating device, otherwise the election official shall
10 place the ballot in the ballot box.

11 Sec. 18. Section 49.104, subsections 2, 3, and 5, Code
12 1993, are amended to read as follows:

13 2. Any number of persons, not exceeding three at a time
14 from each political party having candidates to be voted for at
15 such election, to act as challenging committees, who are
16 appointed and accredited by the executive or central committee
17 of such political party or organization.

18 3. Any number of persons not exceeding three at a time
19 from each of such political parties, appointed and accredited
20 in the same manner as above prescribed for challenging
21 committees, to witness the counting of ballots. Subject to the
22 restrictions of section 51.11, the witnesses may observe the
23 counting of ballots by a counting board during the hours the
24 polls are open in any precinct for which double election
25 boards have been appointed.

26 5. One observer at a time representing any nonparty
27 political organization, any candidate nominated by petition
28 pursuant to chapter 45, or any other nonpartisan candidate in
29 a city or school election, appearing on the ballot of the
30 election in progress. Candidates who send observers to the
31 polls shall provide each observer with a letter of appointment
32 in the form prescribed by the state commissioner.

33 Sec. 19. Section 49.124, Code 1993, is amended to read as
34 follows:

35 49.124 TRAINING COURSE BY COMMISSIONER.

1 ~~It shall be the duty of the~~ The commissioner to shall
2 conduct, not ~~less~~ later than three-days the day before each
3 primary and general election, a training course of not more
4 than two hours for all election personnel, and the
5 commissioner may do so before any other election the
6 commissioner administers. ~~Such~~ The personnel shall include
7 all precinct election officials and any other persons who will
8 be employed in or around the polling places on election day.
9 At least two precinct election officials who will serve on
10 each precinct election board at the forthcoming election shall
11 attend the training course, ~~and if.~~ If the entire board does
12 not attend, those members who do attend shall so far as
13 possible be persons who have not previously attended a similar
14 training course.

15 Sec. 20. Section 50.48, subsection 4, unnumbered paragraph
16 1, Code Supplement 1993, is amended to read as follows:

17 When all members of the recount board have been selected,
18 the board shall undertake and complete the required recount as
19 expeditiously as reasonably possible. The commissioner or the
20 commissioner's designee shall supervise the handling of
21 ballots or voting machine documents to ensure that the ballots
22 and other documents are protected from alteration or damage.
23 The board shall open only the sealed ballot containers from
24 the precincts ~~specified in the request~~ to be recounted in the
25 request or by the recount board. The board shall recount only
26 the ballots which were voted and counted for the office in
27 question. If an electronic tabulating system was used to
28 count the ballots, the recount board may request the
29 commissioner to retabulate the ballots using the electronic
30 tabulating system. Any member of the recount board may at any
31 time during the recount proceedings extend the recount of
32 votes cast for the office or nomination in question to any
33 other precinct or precincts in the same county, or from which
34 the returns were reported to the commissioner responsible for
35 conducting the election, without the necessity of posting

1 additional bond.

2 Sec. 21. Section 52.4, Code 1993, is amended to read as
3 follows:

4 52.4 EXAMINERS -- TERM -- REMOVAL.

5 The governor state commissioner of elections shall appoint
6 three members to a board of examiners for voting machines and
7 electronic voting systems, not more than two of whom shall be
8 from the same political party. The examiners shall hold
9 office for ~~the term~~ staggered terms of five six years, subject
10 to removal at the pleasure of the governor state commissioner
11 of elections.

12 At least one of the examiners shall have been trained in
13 computer programming and operations. The other two members
14 shall be directly involved in the administration of elections
15 and shall have experience in the use of electronic voting
16 systems.

17 Sec. 22. Section 53.17, subsection 2, unnumbered paragraph
18 2, Code 1993, is amended to read as follows:

19 In order for the ballot to be counted, the carrier envelope
20 must be received in the commissioner's office before the polls
21 close on election day or be clearly postmarked by an
22 officially authorized postal service not later than the day
23 before the election and received by the commissioner not later
24 than noon on the Monday following the election.

25 Sec. 23. Section 53.22, subsection 2, Code Supplement
26 1993, is amended to read as follows:

27 2. Any qualified elector who becomes a patient or resident
28 of a hospital or health care facility in the county where the
29 elector is qualified to vote within three days prior to the
30 date of any election or on election day may request an
31 absentee ballot during that period or on election day. As an
32 alternative to the application procedure prescribed by section
33 53.2, the qualified elector may make the request directly to
34 the officers who are delivering and returning absentee ballots
35 under this section. Alternatively, the request may be made by

1 telephone to the office of the commissioner not later than
2 four hours before the close of the polls. If the requester is
3 found to be a qualified elector of that county, these officers
4 shall deliver the appropriate absentee ballot to the qualified
5 elector in the manner prescribed by this section.

6 Sec. 24. Section 53.22, subsection 5, Code Supplement
7 1993, is amended to read as follows:

8 5. If the qualified elector becomes a patient or resident
9 of a hospital or health care facility outside the county where
10 the elector is registered to vote within three days before the
11 date of any election or on election day, the elector may
12 designate a person to deliver and return the absentee ballot.
13 The designee may be any person the elector chooses except that
14 no candidate for any office to be voted upon for the election
15 for which the ballot is requested may deliver a ballot under
16 this subsection. The request for an absentee ballot may be
17 made by telephone to the office of the commissioner not later
18 than four hours before the close of the polls. If the
19 requester is found to be a qualified elector of that county,
20 the ballot shall be delivered by mail or by the person
21 designated by the elector. An application form shall be
22 included with the absentee ballot and shall be signed by the
23 voter and returned with the ballot.

24 Absentee ballots voted under this subsection shall be
25 delivered to the commissioner no later than the time the polls
26 are closed on election day. If the ballot is returned by mail
27 the carrier envelope must be received by the time the polls
28 close, or clearly postmarked by an officially authorized
29 postal service not later than the day before the election and
30 received by the commissioner no later than the time
31 established for the canvass by the board of supervisors for
32 that election.

33 Sec. 25. Section 53.37, Code 1993, is amended by adding
34 the following new unnumbered paragraph before unnumbered
35 paragraph 1:

1 NEW UNNUMBERED PARAGRAPH. This division is intended to
2 implement the federal Uniform and Overseas Citizens Absentee
3 Voting Act, 42 U.S.C. § 1973ff et seq.

4 Sec. 26. Section 53.39, Code 1993, is amended to read as
5 follows:

6 53.39 REQUEST FOR BALLOT -- WHEN AVAILABLE.

7 Section 53.2 does not apply ~~in-connection-with-the-primary~~
8 ~~and-general-elections~~ in the case of a qualified elector of
9 the state of Iowa serving in the armed forces of the United
10 States. In any such case an application for ballot as
11 provided for in that section is not required and an absent
12 voter's ballot shall be sent or made available to any such
13 elector upon a request as provided in this division.

14 PARAGRAPH DIVIDED. All official ballots to be voted by
15 qualified absent voters in the armed forces of the United
16 States at the primary election and the general election shall
17 be printed prior to forty days before the respective elections
18 and shall be available for transmittal to such qualified
19 electors in the armed forces of the United States at least
20 forty days before the respective elections. The provisions of
21 this chapter apply to absent voting by qualified voters in the
22 armed forces of the United States ~~at-primary-and-general~~
23 ~~elections~~ except as modified by the provisions of this
24 division.

25 Sec. 27. Section 53.40, unnumbered paragraph 1, Code 1993,
26 is amended to read as follows:

27 Request A request in writing for a ballot ~~for-the-primary~~
28 ~~election-and-for-the-general-election~~ may be made by any
29 member of the armed forces of the United States who is or will
30 be a qualified voter on the day of the election at which the
31 ballot is to be cast, at any time ~~prior-to-either-of~~ before
32 the elections election. Any member of the armed forces of the
33 United States may request ballots for all elections to be held
34 within a calendar year. The request may be made by using the
35 federal postcard application form and indicating that the

1 applicant wishes to receive ballots for all elections as
2 permitted by state law. The county auditor shall send the
3 applicant a ballot for each election held during the calendar
4 year in which the application is received.

5 PARAGRAPH DIVIDED. Unless the request specifies otherwise,
6 a request for the primary election shall also be considered a
7 request for the general election. In the case of the general
8 election request may be made not more than seventy days before
9 the election, for and on behalf of a voter in the armed forces
10 of the United States by a spouse, parent, parent-in-law, adult
11 brother, adult sister, or adult child of the voter, residing
12 in the county of the voter's residence. However, a request
13 made by other than the voter may be required to be made on
14 forms prescribed by the state commissioner.

15 Sec. 28. Section 53.43, Code 1993, is amended to read as
16 follows:

17 53.43 IDENTIFICATION ON ENVELOPE.

18 The envelopes used in connection with voting by absent
19 voter's ballot by voters who are members of the armed forces
20 of the United States, shall have stamped or printed on them
21 the words "Armed Forces or Overseas Ballot" and a designation
22 of the election at which ~~said~~ the ballot is to be cast~~7-either~~
23 ~~"Primary-Election"-or-"General-Election"~~~~7-as-the-case-may-be.~~

24 Sec. 29. Section 53.51, Code 1993, is amended to read as
25 follows:

26 53.51 RULE OF CONSTRUCTION.

27 This division shall be liberally construed in order to
28 provide means and opportunity for qualified voters of the
29 state of Iowa serving in the armed forces of the United States
30 to vote ~~at-the-primary-and-general-elections.~~

31 Sec. 30. Section 53.53, Code 1993, is amended by adding
32 the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. Federal write-in absentee
34 ballots may be used in primary and general elections, and in
35 special elections held pursuant to section 69.14. The federal

1 write-in absentee ballot transmission envelope may also serve
2 as an application for voter registration if the information
3 submitted is sufficient to register the person to vote and the
4 applicant is otherwise eligible to vote under the provisions
5 of this division.

6 Sec. 31. Section 69.8, subsection 5, Code 1993, is amended
7 by striking the subsection and inserting in lieu thereof the
8 following:

9 5. ELECTED TOWNSHIP OFFICES. When a vacancy occurs in the
10 office of township clerk or township trustee, the vacancy
11 shall be filled by appointment by the trustees. All
12 appointments to fill vacancies in township offices shall be
13 until a successor is elected at the next general election and
14 qualifies by taking the oath of office. If the term of office
15 in which the vacancy exists will expire within seventy days
16 after the next general election, the person elected to the
17 office for the succeeding term shall qualify by taking the
18 oath of office within ten days after the election and shall
19 serve for the remainder of the unexpired term, as well as for
20 the next four-year term.

21 However, if the offices of two trustees are vacant the
22 county board of supervisors shall fill the vacancies by
23 appointment. If the offices of three trustees are vacant the
24 board may fill the vacancies by appointment, or the board may
25 adopt a resolution stating that the board will exercise all
26 powers and duties assigned by law to the trustees of the
27 township in which the vacancies exist until the vacancies are
28 filled at the next general election. If a township office
29 vacancy is not filled by the trustees within thirty days after
30 the vacancy occurs, the board of supervisors may appoint a
31 successor to fill the vacancy until the vacancy can be filled
32 at the next general election.

33 Sec. 32. Section 69.14A, subsection 1, paragraph a,
34 unnumbered paragraph 2, Code 1993, is amended to read as
35 follows:

1 However, if within fourteen days after publication of the
2 notice or within fourteen days after the appointment is made,
3 whichever is later, a petition is filed with the county
4 auditor requesting a special election to fill the vacancy, the
5 appointment is temporary and a special election shall be
6 called as provided in paragraph "b". The petition shall meet
7 the requirements of section 331.306, except that in counties
8 where supervisors are elected under plan "three", the number
9 of signatures calculated according to the formula in section
10 331.306 shall be divided by the number of supervisor districts
11 in the county.

12 Sec. 33. Section 69.14A, subsection 1, paragraph b, Code
13 1993, is amended by adding the following new unnumbered
14 paragraphs:

15 NEW UNNUMBERED PARAGRAPH. However, if a vacancy on the
16 board of supervisors occurs after the date of the primary
17 election and more than seventy-three days before the general
18 election, a special election to fill the vacancy shall not be
19 called by the committee or by petition. If the term of office
20 in which the vacancy exists will expire more than seventy days
21 after the general election, the office shall be listed on the
22 ballot, as "For Board of Supervisors, To Fill Vacancy". The
23 person elected at the general election shall assume office as
24 soon as a certificate of election is issued and the person has
25 qualified by taking the oath of office. The person shall
26 serve the balance of the unexpired term.

27 NEW UNNUMBERED PARAGRAPH. If the term of office in which
28 the vacancy exists will expire within seventy days after the
29 general election, the person elected to the succeeding term
30 shall also serve the balance of the unexpired term. The
31 person elected at the general election shall assume office as
32 soon as a certificate of election is issued and the person has
33 qualified by taking the oath of office.

34 Sec. 34. Section 69.14A, subsection 2, paragraph b, Code
35 1993, is amended by adding the following new unnumbered

1 paragraphs:

2 NEW UNNUMBERED PARAGRAPH. If a vacancy in an elective
3 county office occurs after the date of the primary election
4 and more than seventy-three days before the general election,
5 a special election to fill the vacancy shall not be called by
6 the board of supervisors or by petition. If the term of
7 office in which the vacancy exists will expire more than
8 seventy days after the general election, the office shall be
9 listed on the ballot with the name of the office and the
10 additional description, "To Fill Vacancy". The person elected
11 at the general election shall assume office as soon as a
12 certificate of election is issued and the person has qualified
13 by taking the oath of office. The person shall serve the
14 balance of the unexpired term.

15 NEW UNNUMBERED PARAGRAPH. If the term of office in which
16 the vacancy exists will expire within seventy days after the
17 general election, the person elected to the succeeding term
18 shall also serve the balance of the unexpired term. The
19 person elected at the general election shall assume office as
20 soon as a certificate of election is issued and the person has
21 qualified by taking the oath of office.

22 Sec. 35. Section 277.5, unnumbered paragraph 1, Code 1993,
23 is amended to read as follows:

24 Objections to the legal sufficiency of a nomination peti-
25 tion or to the eligibility of a candidate may be filed by any
26 person who would have the right to vote for a candidate for
27 the office in question. The objection must be filed with the
28 secretary of the school board at least thirty thirty-five days
29 before the day of the school election. When objections are
30 filed notice shall forthwith be given to the candidate
31 affected, addressed to the candidate's place of residence as
32 given on the candidate's affidavit, stating that objections
33 have been made to the legal sufficiency of the petition or to
34 the eligibility of the candidate, and also stating the time
35 and place the objections will be considered.

1 Sec. 36. NEW SECTION. 277.7 PETITIONS FOR PUBLIC
2 MEASURES.

3 A petition filed with the school board to request an
4 election on a public measure shall be examined before it is
5 accepted for filing. If the petition appears valid on its
6 face it shall be accepted for filing. If it lacks the
7 required number of signatures it shall be returned to the
8 petitioners.

9 Petitions which have been accepted for filing are valid
10 unless written objections are filed. Objections must be filed
11 with the secretary of the school board within five working
12 days after the petition was filed. The objection process in
13 section 277.5 shall be followed for objections filed pursuant
14 to this section.

15 Sec. 37. Section 331.237, subsection 1, Code 1993, is
16 amended to read as follows:

17 1. If a proposed charter for county government is received
18 not later less than five working days before the filing
19 deadline for candidates for county offices specified in
20 section 44.4 for the next general election, the board shall
21 direct the county commissioner of elections to submit to the
22 qualified electors of the county at the next general election
23 the question of whether the proposed charter shall be adopted.
24 A summary of the proposed charter or amendment ~~must~~ shall be
25 published in the official county newspapers and in a newspaper
26 of general circulation in each participating city, if
27 applicable, at least ten but not more than twenty days before
28 the date of the election. If a majority of the votes cast on
29 the question is in favor of the proposal, the proposal is
30 adopted.

31 Sec. 38. Section 331.254, subsection 7, Code 1993, is
32 amended to read as follows:

33 7. The merger of the elective offices of each
34 consolidating county with the election of new officers within
35 sixty days after the effective date of the charter. The

1 elections shall be conducted by the county commissioner of
2 elections of each county pursuant-to-section-69-13. No
3 primary election shall be held. Nominations shall be made
4 pursuant to section 43.78 and chapters 44 and 45, as
5 applicable, except that the filing deadline shall be forty
6 days before the election.

7 Sec. 39. Section 331.306, Code 1993, is amended by adding
8 the following new unnumbered paragraphs:

9 NEW UNNUMBERED PARAGRAPH. A petition shall be examined
10 before it is accepted for filing. If it appears valid on its
11 face it shall be accepted for filing. If it lacks the
12 required number of signatures it shall be returned to the
13 petitioners.

14 NEW UNNUMBERED PARAGRAPH. Petitions which have been
15 accepted for filing are valid unless written objections are
16 filed. Objections must be filed with the county auditor
17 within five working days after the petition was filed. The
18 objection process in section 44.7 shall be followed for
19 objections filed pursuant to this section.

20 Sec. 40. Section 347.10, Code 1993, is amended to read as
21 follows:

22 347.10 VACANCIES.

23 Vacancies in the board of trustees may, until the next
24 general election, be filled by an appointment to-fill-the
25 vacancy by the remaining members of the board of trustees or,
26 if fewer than four trustees remain on the board, by the board
27 of supervisors for the period until the vacancies are filled
28 pursuant-to-section-69-12 by election. Should If any board
29 member be is absent for four consecutive regular board
30 meetings, without prior excuse, the member's position shall be
31 declared vacant and filled as set out above in this section.

32 Sec. 41. Section 362.3, subsection 2, Code Supplement
33 1993, is amended to read as follows:

34 2. A publication required by the city code must be in a
35 newspaper published at least once weekly and having general

1 circulation in the city. However, if the city has a
2 population of two hundred or less, or in the case of notices
3 of elections, ordinances, and amendments to be published in a
4 city in which no newspaper is published, a publication may be
5 made by posting in three public places in the city which have
6 been permanently designated by ordinance.

7 In the case of notices of elections, a city with a
8 population of two hundred or less meets the publication
9 requirement of this section by posting notices of elections in
10 three public places which have been designated by ordinance.

11 Sec. 42. Section 362.4, Code 1993, is amended by adding
12 the following new unnumbered paragraphs:

13 NEW UNNUMBERED PARAGRAPH. The petition shall be examined
14 before it is accepted for filing. If the petition appears
15 valid on its face it shall be accepted for filing. If it
16 lacks the required number of signatures it shall be returned
17 to the petitioner.

18 NEW UNNUMBERED PARAGRAPH. Petitions which have been
19 accepted for filing are valid unless written objections are
20 filed with the city clerk within five working days after the
21 petition is received. The objection process in section 44.8
22 shall be followed.

23 Sec. 43. Section 372.2, subsection 1, Code 1993, is
24 amended to read as follows:

25 1. Eligible electors of the city, ~~equal in number to at~~
26 ~~least twenty-five percent of the persons who voted at the last~~
27 ~~regular city election,~~ may petition the council to submit to
28 the electors the question of adopting a different form of city
29 government. The minimum number of signatures required on the
30 petition shall be equal in number to twenty-five percent of
31 those who voted in the last regular city election. The
32 petition shall specify which form of city government in
33 section 372.1 the petitioners propose for adoption.

34 Sec. 44. Section 372.2, subsection 5, paragraph a, Code
35 1993, is amended to read as follows:

1 a. The elective officers provided for in the adopted form
2 are to be elected at the next regular city election held more
3 than sixty eighty-four days after the special election at
4 which the form was adopted, ~~and the~~. The adopted form becomes
5 effective at the beginning of the new term following the
6 regular city election.

7 Sec. 45. Section 372.13, subsection 2, paragraph a,
8 subparagraph (4), Code Supplement 1993, is amended to read as
9 follows:

10 (4) The minimum number of signatures for a valid petition
11 pursuant to subparagraphs (1) through (3) shall not be fewer
12 than ten. In determining the minimum number of signatures
13 required, if at the last preceding election more than one
14 position was to be filled for the office in which the vacancy
15 exists, the number of voters who voted for candidates for the
16 office shall be determined by dividing the total number of
17 votes cast for the office by the number of seats to be filled.

18 Sec. 46. TRANSITION AND EFFECTIVE DATE.

19 1. When the terms of the current members of the board of
20 examiners for voting machines and electronic voting systems
21 expire in June 1994, the state commissioner shall appoint
22 three examiners for staggered terms. One examiner shall be
23 appointed for six years, one for four years, and one for two
24 years.

25 2. This section of this Act and the section of this Act
26 which amends Code section 52.4, relating to appointment of the
27 board of examiners for voting machines and electronic voting
28 systems, being deemed of immediate importance, take effect
29 upon enactment.

30 EXPLANATION

31 Code section 43.6 is amended to specify that nominations
32 for a vacancy in a county office shall be made at the primary
33 election if the vacancy was not filled by a special election
34 called more than 73 days before the primary election.

35 Code section 43.14 is amended to change the paper size

1 requirement for nomination petitions from about 8 1/2 inches
2 by 13 inches to 8 1/2 inches by 14 inches. Code section 43.26
3 is amended to revise the primary election ballot format to be
4 consistent with the order of offices prescribed for the
5 general election ballot in section 49.37.

6 Code section 43.77, subsection 4, is amended to strike
7 references to filling vacancies in county offices and is
8 complementary to the enactment of new subsection 5 to section
9 43.77 which provides that a vacancy for a county office on the
10 general election ballot exists when the term of office has 70
11 days remaining after the date of the general election and
12 either the vacancy occurred 73 days before the next primary
13 election and a special election had not been called or the
14 vacancy occurred after the date of the primary election and
15 more than 73 days before the general election.

16 Code sections 43.18, 43.67, 44.3, and 45.3 are amended to
17 describe in general terms what is required to be included in
18 an affidavit of candidacy filed by a candidate for political
19 office. Current Code sets out the specific form the affidavit
20 is to take. Code section 43.18 applies to candidates in the
21 primary election. Code section 43.67 applies to candidates
22 nominated by political parties for special or general
23 elections. Code sections 44.3 and 45.3 apply to candidates
24 nominated by nonparty political organizations and candidates
25 nominated by petition, respectively.

26 New subsection 10 is enacted to section 45.1 to prescribe
27 the number of signatures required on a nomination petition for
28 a township office.

29 Code section 47.4 is amended to change the definition of
30 "overseas voter" to include United States citizens residing
31 overseas who have never resided in the United States but whose
32 parent who is an overseas voter from Iowa. Code section 48.11
33 is amended to exclude from the voter registration time limits
34 persons who were discharged from the United States military
35 two weeks before the election.

1 Code section 49.11 is amended to expand the circumstances
2 under which precincts may be divided by the county
3 commissioner of elections for elections other than the primary
4 or general election to include those circumstances where
5 political subdivisions are voting on one or more public
6 questions. Code section 49.73 is amended to allow the polls
7 to be opened at noon for benefited district elections.

8 Code section 49.77 is amended to remove the reference to
9 the primary election from the voter's declaration of
10 eligibility form because a form is already prescribed in
11 section 43.43 for the primary election. Code section 49.82 is
12 amended to specify that voters shall be given a ballot when a
13 booth is available for the voter's use. The section is also
14 amended to revise the language requiring the precinct election
15 official to initial ballots placed in secrecy folders. Code
16 section 49.84 is amended to clarify that all voters shall vote
17 in booths and election officials shall not separate voters
18 into different waiting lines based upon whether or not the
19 voter is going to vote the entire ballot.

20 Code section 49.104 is amended to specify that three poll
21 watchers at a time per political party and one observer at a
22 time representing any nonparty political organizations are
23 allowed at a polling place on election day. The section is
24 also amended to require that nonpartisan and nonparty
25 political organization poll watchers to be provided with
26 letters of appointment. Code section 49.124 is amended to
27 allow election precinct official training to be conducted up
28 to the day before the election. Current Code requires that
29 training be finished three days before the election.

30 Code section 50.48 is amended to permit a recount board to
31 open ballots from precincts designated by the recount board as
32 well as from precincts designated in the request for recount.

33 Code section 52.4 is amended to require that the secretary
34 of state, rather than the governor, appoint members of the
35 board of examiners for voting machines and electronic voting

1 equipment. The section is also amended to require that one
2 member of the board of examiners have had computer training
3 and that the other two members be directly involved in
4 election administration and have had experience with
5 electronic voting systems. Finally, the section is amended to
6 provide for staggered six-year terms. Current Code provides
7 for five-year terms that run concurrently. The provision is
8 made effective upon enactment and transition language is
9 included at the end of this bill.

10 Code section 53.17 is amended to allow absentee ballots
11 that were postmarked on election day to be counted if they are
12 received before the polls close. Code section 53.22 is
13 amended to allow a person admitted to a hospital or health
14 care facility on election day to request an absentee ballot.

15 Code section 53.37 is amended to include the statutory
16 citation for the federal Uniform and Overseas Citizens
17 Absentee Voting Act. Code section 53.39 is amended to allow
18 requests for absentee ballots for military and overseas voters
19 to be submitted at any time for any election. Code section
20 53.40 is amended to allow one absentee ballot request from
21 military and overseas voters to be used for all elections in a
22 calendar year. Code sections 53.43 and 53.51 are amended by
23 striking references which limit the use of special envelopes
24 for military and overseas voters to primary and general
25 elections.

26 Code section 53.53 is amended to specify that the federal
27 write-in absentee ballot may be used in primary and special
28 elections to fill vacancies in congress and the general
29 assembly and may be used in the general election. The
30 absentee ballot transmission envelope may also serve as a
31 voter registration application.

32 Code section 69.8 is amended to provide that vacancies in
33 township offices be filled by appointment until the next
34 general election.

35 Code section 69.14A is amended to specify that a vacancy in

1 an elective county office must be filled at the next general
2 election if the vacancy occurs after the date of the primary
3 election and before the end of the filing deadline for the
4 general election. The amendments also prohibit the holding of
5 a special election to fill the vacancy if the office becomes
6 vacant during that time. Finally, Code section 69.14A is
7 amended to provide that, in the case of a vacancy on the board
8 of supervisors of a county which elects supervisors from
9 single-member districts, the petition calling for a special
10 election to fill the vacancy shall be signed by eligible
11 electors equal in number to 10 percent of those residing in
12 the district who voted for the office of United States
13 president or governor. Present law requires that the number
14 of signatures be equal in number to 10 percent of those in the
15 county who voted for the office of United States president or
16 governor.

17 Code section 277.5 is amended to change the deadline for
18 filing an objection to a school nomination petition from 30
19 days before the election to 35 days before the election. The
20 deadline for filing a school nomination petition is 40 days
21 before the election. Code section 277.7 is created to provide
22 procedures for filing school petitions to request an election
23 on a public measure and to provide that the process for
24 objecting to such school petitions shall be the same process
25 set out in section 277.5 for objecting to a candidate's
26 nomination petition.

27 Code section 331.237, relating to submission of a proposed
28 charter for county government to the electorate, is amended by
29 adding corrective language.

30 Code section 331.254 is amended to remove an incorrect
31 reference to Code section 69.13 and to provide that if a
32 multicounty consolidation charter providing for the merger of
33 elective county offices is adopted, no primary election shall
34 be held for the election of new officers and nominations shall
35 be made in the manner currently provided by law except that

1 the filing deadline is 40 days before the date of the
2 election.

3 Code section 331.306 is amended to provide that the
4 objection process set out in section 44.7 shall be followed by
5 those objecting to nomination petitions filed requesting a
6 countywide election on a public measure.

7 Code section 347.10 is amended to provide that vacancies on
8 county public hospital trustee boards be filled by appointment
9 until the next general election.

10 Code section 362.3 is amended to allow only those cities
11 with a population of 200 or less to post notices of election
12 in public places as a method of meeting the requirement that
13 election notices be published.

14 Code section 362.4 is amended to provide that the objection
15 process set out in section 44.8 shall be followed by those
16 objecting to nomination petitions filed requesting a citywide
17 election on a public measure.

18 Code section 372.2 is amended to clarify that the number of
19 signatures of eligible electors required for a valid petition
20 to change the form of city government shall be equal to 25
21 percent of those voting at the last city election. The
22 section is also amended to increase from 60 days to 84 days
23 the time between a special election approving the change in
24 city government and the next regular city election at which
25 the change will become effective.

26 Code section 372.13 is amended to provide a method for
27 determining the number of signatures required for a petition
28 to request a special election to fill a vacancy in a city
29 office when more than one seat for that office was vacant and
30 filled at the election.

31 The transition provisions provide that when the terms of
32 the members of the board of examiners for voting machines and
33 electronic voting systems expire, the three new members shall
34 be appointed for staggered terms of six, four, and two years.
35 This provision is effective immediately.

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BACKGROUND STATEMENT
SUBMITTED BY THE AGENCY

Code section 43.6 is amended to specify that nominations for a vacancy in a county office shall be made at the primary election if the vacancy was not filled by a special election called more than 73 days before the primary election.

Code section 43.14 is amended to change the paper size requirement for nomination petitions from about 8 1/2 inches by 13 inches to 8 1/2 inches by 14 inches, a standard paper size. Code section 43.26 is amended to revise the primary election ballot format to be consistent with the order of offices prescribed for the general election ballot in section 49.37.

Code section 43.77, subsection 4, is amended to strike references to filling vacancies in county offices and is complementary to the enactment of new subsection 5 to section 43.77 which provides that a vacancy for a county office on the general election ballot exists when the term of office has 70 days remaining after the date of the general election and either the vacancy occurred 73 days before the next primary election and a special election had not been called or the vacancy occurred after the date of the primary election and more than 73 days before the general election.

Code sections 43.18, 43.67, 44.3, and 45.3 are amended to describe in general terms what is required to be included in an affidavit of candidacy filed by a candidate for political office. Current Code sets out the specific form the affidavit is to take. Code section 43.18 applies to candidates in the primary election. Code section 43.67 applies to candidates nominated by political parties for special or general elections. Code sections 44.3 and 45.3 apply to candidates nominated by nonparty political organizations and candidates nominated by petition, respectively. This should eliminate the necessity of revising these sections every time the threshold for campaign finance reporting changes.

1 New subsection 10 is enacted to section 45.1 to prescribe
2 the number of signatures required on a nomination petition for
3 a township office. This subsection was omitted when the
4 section was stricken and rewritten.

5 Code section 47.4 is amended to change the definition of
6 "overseas voter" to include United States citizens residing
7 overseas who have never resided in the United States but whose
8 parent is an overseas voter from Iowa. Without this change,
9 which was requested by the Federal Voting Assistance Office,
10 these people cannot vote, although they are United States
11 citizens. Code section 48.11 is amended to exclude from the
12 voter registration time limits persons who were discharged
13 from the United States military two weeks before the election.
14 This change was also requested by the Federal Voting
15 Assistance Office.

16 Code section 49.11 is amended to expand the circumstances
17 under which precincts may be divided by the county
18 commissioner of elections for elections other than the primary
19 or general election to include those circumstances where
20 political subdivisions are voting on one or more public
21 questions. Code section 49.73 is amended to allow the polls
22 to be opened at noon for benefited district elections.

23 Code section 49.77 is amended to remove the reference to
24 the primary election from the voter's declaration of
25 eligibility form because a form is already prescribed in
26 section 43.43 for the primary election. Code section 49.82 is
27 amended to specify that voters shall be given a ballot when a
28 booth is available for the voter's use. This is necessary to
29 eliminate the temptation of those voters waiting to vote
30 without using a booth. The section is also amended to revise
31 the language requiring the precinct election official to
32 initial ballots placed in secrecy folders. Code section 49.84
33 is amended to clarify that all voters shall vote in booths and
34 election officials shall not separate voters into different
35 waiting lines based upon whether or not the voter is going to

1 vote the entire ballot.

2 Code section 49.104 is amended to specify that three poll
3 watchers at a time per political party and one observer at a
4 time representing any nonparty political organizations are
5 allowed at a polling place on election day. The section is
6 also amended to require that nonpartisan and nonparty
7 political organization poll watchers be provided with letters
8 of appointment. Code section 49.124 is amended to allow
9 election precinct officials training to be conducted up to the
10 day before the election. Current Code requires that training
11 be finished three days before the election.

12 Code section 50.48 is amended to permit a recount board to
13 open ballots from precincts designated by the recount board as
14 well as from precincts designated in the request for recount.

15 Code section 52.4 is amended to require that the Secretary
16 of State, rather than the Governor, appoint members of the
17 board of examiners for voting machines and electronic voting
18 equipment. The section is also amended to require that one
19 member of the board of examiners have had computer training
20 and that the other two members be directly involved in
21 election administration and have had experience with
22 electronic voting systems. No qualifications are specified at
23 present. Finally, the section is amended to provide for
24 staggered six-year terms. Current Code provides for five-year
25 terms that run concurrently. The provision is made effective
26 upon enactment and transition language is included at the end
27 of the bill.

28 Code section 53.17 is amended to allow absentee ballots
29 that were postmarked on election day to be counted if they are
30 received before the polls close. Code section 53.22 is
31 amended to allow a person admitted to a hospital or health
32 care facility on election day to request an absentee ballot.

33 Code section 53.37 is amended to include the statutory
34 citation for the federal Uniform and Overseas Citizens
35 Absentee Voting Act. Code section 53.39 is amended to allow

1 requests for absentee ballots for military and overseas voters
2 to be submitted at any time for any election. Code section
3 53.40 is amended to allow one absentee ballot request from
4 military and overseas voters to be used for all elections in a
5 calendar year. Code sections 53.43 and 53.51 are amended by
6 striking references which limit the use of special envelopes
7 for military and overseas voters to primary and general
8 elections.

9 Code section 53.53 is amended to allow the federal write-in
10 absentee ballot to be used in primary and special elections to
11 fill vacancies in Congress and the General Assembly and in the
12 general election and also to allow the absentee ballot
13 envelopes to be used as voter registrations. This amendment
14 is made at the request of the Federal Voting Assistance
15 Office.

16 Code section 69.8 is amended to provide that vacancies in
17 township offices be filled by appointment until the next
18 general election. There are hundreds of townships and
19 thousands of township officers. The most efficient way to
20 deal with the large numbers of vacancies that arise is to fill
21 them at the general election.

22 Code section 69.14A is amended to specify that a vacancy in
23 an elective county office must be filled at the next general
24 election if the vacancy occurs after the date of the primary
25 election and before the end of the filing deadline for the
26 general election. The amendments also prohibit the holding of
27 a special election to fill the vacancy if the office becomes
28 vacant during that time. Finally, Code section 69.14A is
29 amended to provide that, in the case of a vacancy on the board
30 of supervisors of a county which elects supervisors from
31 single-member districts, the petition calling for a special
32 election to fill the vacancy shall be signed by eligible
33 electors equal in number to 10 percent of those residing in
34 the single-member district who voted for the office of United
35 States president or governor. Present law requires that the

1 number of signatures be equal in number to 10 percent of those
2 in the county who voted for the office of United States
3 president or governor.

4 Code section 277.5 is amended to change the deadline for
5 filing an objection to a school nomination petition from 30
6 days before the election to 35 days before the election. The
7 deadline for filing a school nomination petition is 40 days
8 before the election. This change facilitates the timely
9 printing of ballots. Code section 277.7 is created to provide
10 procedures for filing school petitions to request an election
11 on a public measure and to provide that the process for
12 objecting to such school petitions shall be the same process
13 set out in section 277.5 for objecting to a candidate's
14 nomination petition.

15 Code section 331.237, relating to submission of a proposed
16 charter for county government to the electorate, is amended by
17 adding corrective language.

18 Code section 331.254 is amended to remove an incorrect
19 reference to Code section 69.13 and to provide that if a
20 multicounty consolidation charter providing for the merger of
21 elective county offices is adopted, no primary election shall
22 be held for the election of new officers and nominations shall
23 be made in the manner currently provided by law except that
24 the filing deadline is 40 days before the date of the
25 election.

26 Code section 331.306 is amended to provide that the
27 objection process set out in section 44.7 shall be followed by
28 those objecting to nomination petitions filed requesting a
29 countywide election on a public measure.

30 Code section 347.10 is amended to provide that vacancies on
31 county public hospital trustee boards be filled by appointment
32 until the next general election.

33 Code section 362.3 is amended to allow only those cities
34 with a population of 200 or less to post notices of election
35 in public places as a method of meeting the requirement that

1 election notices be published. A change in the law during the
2 1993 Session of the General Assembly allowed posting notices
3 of election to suffice as publication in cities where no
4 newspaper is published. This includes some rather large
5 cities and effectively deprives residents of those cities with
6 notice of elections.

7 Code section 362.4 is amended to provide that the objection
8 process set out in section 44.8 shall be followed by those
9 objecting to nomination petitions filed requesting a citywide
10 election on a public measure.

11 Code section 372.2 is amended to clarify that the number of
12 signatures of eligible electors required for a valid petition
13 to change the form of city government shall be equal to 25
14 percent of those voting at the last city election. The
15 section is also amended to increase from 60 days to 84 days
16 the time between the special election approving the change in
17 city government and the next regular city election at which
18 the change will become effective. This places the whole
19 period of time for preparation for the city election after the
20 election at which the form was changed.

21 Code section 372.13 is amended to provide a method for
22 determining the number of signatures required for a petition
23 to request a special election to fill a vacancy in a city
24 office when more than one seat for that office was vacant and
25 filled at the election.

26 The transition provisions provide that when the terms of
27 the members of the board of examiners for voting machines and
28 electronic voting systems expire, the three new members shall
29 be appointed for staggered terms of six, four, and two years.
30 This provision is effective immediately.

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SENATE FILE 2219

AN ACT

RELATING TO THE OFFICE OF SECRETARY OF STATE AND ETHICS AND CAMPAIGN DISCLOSURE BOARD, THE CONDUCT OF ELECTIONS AND VOTER REGISTRATION IN THE STATE, CHANGING THE THRESHOLD REPORTING LEVEL FOR BALLOT ISSUES, AND RELATING TO CORRECTIVE AND TECHNICAL CHANGES TO IOWA'S ELECTION AND CAMPAIGN FINANCE LAWS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 39.3, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Infamous crime" means a felony as defined in section 701.7, or an offense classified as a felony under federal law.

Sec. 2. Section 43.6, subsection 2, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and more than seventy days remain in the term of office following the next general election, the office shall be filled for the balance of the unexpired term at that general election unless the

vacancy has been filled by a special election called more than seventy-three days before the primary election. If an appointment to fill the vacancy in office is made eighty-eight or more days before the primary election and a petition requesting a special election has not been received within fourteen days after the appointment is made, candidates for the office shall be nominated at the primary election.

Sec. 3. Section 43.14, unnumbered paragraph 1, Code 1993, is amended to read as follows:

All nomination papers shall be about eight and one-half by ~~thirteen~~ fourteen inches in size and in substantially the following form:

Sec. 4. Section 43.18, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

43.18 AFFIDAVIT OF CANDIDACY.

Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be in the form prescribed by the secretary of state and shall include the following information:

1. The candidate's name in the form the candidate wants it to appear on the ballot.
2. The candidate's home address.
3. The name of the county in which the candidate resides.
4. The political party with which the candidate is registered to vote.
5. The office sought by the candidate, and the district the candidate seeks to represent, if any.
6. A declaration that if the candidate is nominated and elected the candidate will qualify by taking the oath of office.
7. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 56.2, subsection

4. This subsection shall not apply to candidates for federal office.

8. A statement that the candidate is aware of the prohibition in section 43.20 against being a candidate for more than one office appearing on the primary election ballot.

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 5. Section 43.26, Code 1993, is amended to read as follows:

43.26 BALLOT -- FORM.

The official primary election ballot shall be prepared, arranged, and printed substantially in the following form:

PRIMARY ELECTION BALLOT

(Name of Party) of
County of, State of Iowa,
...Rotation (if any).
Primary election held on
the ...day of June, 19..

FOR UNITED STATES SENATOR

(Vote for no more than one.)

CANDIDATE'S NAME
CANDIDATE'S NAME

FOR UNITED STATES REPRESENTATIVE

(Vote for no more than one.)

CANDIDATE'S NAME
CANDIDATE'S NAME

FOR GOVERNOR

(Vote for no more than one.)

CANDIDATE'S NAME
CANDIDATE'S NAME

(Followed by other elective state officers in the order in

which they appear in section 39.9 and district officers in the order in which they appear in sections 39.15 and 39.16.)

FOR BOARD OF SUPERVISORS

(Vote for no more than two.)

CANDIDATE'S NAME
CANDIDATE'S NAME

FOR COUNTY AUDITOR

(Vote for no more than one.)

CANDIDATE'S NAME
CANDIDATE'S NAME

(Followed by other elective county officers in the order in which they appear in sections section 39.17 and 39.18.)

FOR TOWNSHIP CLERK

(Vote for no more than one.)

CANDIDATE'S NAME
CANDIDATE'S NAME

FOR TOWNSHIP TRUSTEES

(Vote for no more than two.)

CANDIDATE'S NAME
CANDIDATE'S NAME
CANDIDATE'S NAME

Sec. 6. Section 43.67, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

43.67 NOMINEE'S RIGHT TO PLACE ON BALLOT.

Each candidate nominated pursuant to section 43.66 is entitled to have the candidate's name printed on the official ballot to be voted at the general election without other certificate unless the candidate was nominated by write-in votes. Immediately after the completion of the canvass held under section 43.49, the county auditor shall notify each

person who was nominated by write-in votes for a county or township office that the person is required to file an affidavit of candidacy if the person wishes to be a candidate for that office at the general election. Immediately after the completion of the canvass held under section 43.63, the secretary of state shall notify each person who was nominated by write-in votes for a state or federal office that the person is required to file an affidavit of candidacy if the person wishes to be a candidate for that office at the general election. If the affidavit is not filed by five p.m. on the seventh day after the completion of the canvass, that person's name shall not be placed upon the official general election ballot. The affidavit shall be signed by the candidate, notarized, and filed with the county auditor or the secretary of state, whichever is applicable.

The affidavit shall be in the form prescribed by the secretary of state. The affidavit shall include the following information:

1. The candidate's name in the form the candidate wants it to appear on the ballot.
2. The candidate's home address.
3. The name of the county in which the candidate resides.
4. The political party by which the candidate was nominated.
5. The office sought by the candidate, and the district the candidate seeks to represent, if any.
6. A declaration that if the candidate is elected the candidate will qualify by taking the oath of office.
7. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 56.2, subsection 4. This subsection shall not apply to candidates for federal office.

8. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, soil and water conservation district commission, and regional library board of trustees.

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 7. Section 43.77, subsection 4, Code 1993, is amended to read as follows:

4. A vacancy has occurred in the office of senator in the Congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general, under the circumstances described in section 69.13, ~~subsection 2, less than eighty-nine days before the primary election and not less than eighty-nine days before the general election, or in the office of county supervisor or any of the offices listed in section 39.17, under the circumstances described in section 69.13, subsection 2, less than seventy-four days before the primary election and not less than seventy-four days before the general election.~~

Sec. 8. Section 43.77, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A vacancy has occurred in the office of county supervisor or in any of the offices listed in section 39.17 and the term of office has more than seventy days remaining after the date of the next general election and one of the following circumstances applies:

- a. The vacancy occurred during the period beginning seventy-three days before the primary election and ending on the date of the primary election and no special election was called to fill the vacancy.

b. The vacancy occurred after the date of the primary election and more than seventy-three days before the general election.

Sec. 9. Section 44.3, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

44.3 CERTIFICATE.

1. The certificate required by section 44.2 shall state the following information:

- a. The name of each candidate nominated.
- b. The office to which each candidate is nominated.
- c. The name of the political organization making such nomination, expressed in not more than five words.
- d. The place of residence of each nominee, with the street or number thereof, if any.

e. In case of presidential candidates, the names and addresses of presidential electors shall be stated, and the names of the candidates for president and vice president shall be added to the name of the organization.

f. The name and address of each member of the organization's executive or central committee.

g. The provisions, if any, made for filling vacancies in nominations.

h. The name and address of each delegate or voter in attendance at a convention or caucus where a nomination is made.

2. Each candidate nominated by the convention or caucus shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be in the form prescribed by the secretary of state. The affidavit shall include the following information:

- a. The candidate's name in the form the candidate wants it to appear on the ballot.
- b. The candidate's home address.
- c. The name of the county in which the candidate resides.
- d. The name of the political organization by which the candidate was nominated.

e. The office sought by the candidate, and the district the candidate seeks to represent, if any.

f. A declaration that if the candidate is elected the candidate will qualify by taking the oath of office.

g. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 56.2, subsection 4. This subsection shall not apply to candidates for federal office.

4. This subsection shall not apply to candidates for federal office.

h. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, soil and water conservation district commission, and regional library board of trustees.

i. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 10. Section 45.1, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Nominations for township officers may be made by nomination petitions signed by not less than ten eligible electors of the township.

Sec. 11. Section 45.3, unnumbered paragraphs 2, 3, 4, 5, 6, 7, and 8, Code 1993, are amended by striking the paragraphs and inserting in lieu thereof the following:

Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be filed at the same time as the nomination petition. The affidavit shall be in the form prescribed by the secretary of state and shall include the following information:

1. The candidate's name in the form the candidate wants it to appear on the ballot.

2. The candidate's home address.

3. The name of the county in which the candidate resides.

4. The name of the political organization by which the candidate was nominated, if any.

5. The office sought by the candidate, and the district the candidate seeks to represent, if any.

6. A declaration that if the candidate is elected the candidate will qualify by taking the oath of office.

7. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 56.2, subsection 4.

This subsection shall not apply to candidates for federal office.

8. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, soil and water conservation district commission, and regional library board of trustees.

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 12. Section 49.11, subsection 2, Code Supplement 1993, is amended to read as follows:

2. Divide any precinct permanently established under this section which contains all or any parts of two or more mutually exclusive political subdivisions, each either or both of which is independently electing one or more officers or voting on one or more questions on the same date, into two or more temporary precincts and designate a polling place for each.

Sec. 13. Section 49.73, subsection 1, Code Supplement 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Any election conducted for a benefited district.

Sec. 14. Section 49.77, subsection 1, Code 1993, is amended to read as follows:

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

VOTER'S DECLARATION OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the precinct, ward or township, city of, county of, Iowa.

I am a qualified elector. I have not voted and will not vote in any other precinct in said election.

~~(For primary election only: I am affiliated with the -----party:~~

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

.....
SIGNATURE OF VOTER
.....
ADDRESS
.....
TELEPHONE

Approved:

.....
BOARD MEMBER

Sec. 15. Section 49.82, Code 1993, is amended to read as follows:

49.82 VOTER TO RECEIVE ONE BALLOT -- ENDORSEMENT.
One When an empty voting booth is available, one of the precinct election officials shall give the voter endorse the official's initials on each ballot the voter will receive.

The initials shall be placed so that they may be seen when the ballot is properly folded or enclosed in a secrecy folder.
The official shall give the voter one and only one of each of the ballots to be voted at that election in that precinct, except as provided by section 49.100, on the back of which a precinct election official shall endorse the official's initials so that they may be seen when the ballot is properly folded. No ballot without the required official endorsement shall be deposited placed in the ballot box.

Sec. 16. Section 49.84, Code 1993, is amended to read as follows:

49.84 MARKING AND RETURN OF BALLOT.

~~On receipt of~~ After receiving the ballot, the voter shall immediately retire ~~go~~ alone to one of the voting booths, and without delay mark the ballot, ~~and, before.~~ All voters shall vote in booths. No special lines shall be used to separate voters who state that they wish to vote only a portion of the ballot.

Before leaving the voting booth, the voter shall fold the ballot so as or enclose it in a secrecy folder to conceal the marks thereon, ~~and on the ballot.~~ The voter shall deliver the ballot to one of the precinct election officials. No identifying mark or symbol shall be endorsed on the back of the voter's ballot. If the precinct has a portable vote tallying system which will not permit more than one ballot to be inserted at a time, the voter may insert the ballot into the tabulating device, otherwise the election official shall place the ballot in the ballot box.

Sec. 17. Section 49.104, subsections 2, 3, and 5, Code 1993, are amended to read as follows:

2. Any number of persons, not exceeding three at a time from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.

3. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. Subject to the restrictions of section 51.11, the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.

5. One observer at a time representing any nonparty political organization, any candidate nominated by petition pursuant to chapter 45, or any other nonpartisan candidate in a city or school election, appearing on the ballot of the election in progress. Candidates who send observers to the polls shall provide each observer with a letter of appointment in the form prescribed by the state commissioner.

Sec. 18. Section 49.124, Code 1993, is amended to read as follows:

49.124 TRAINING COURSE BY COMMISSIONER.

~~It shall be the duty of the~~ The commissioner shall conduct, not ~~less~~ later than ~~three days~~ the day before each primary and general election, a training course of not more than two hours for all election personnel, and the commissioner may do so before any other election the commissioner administers. ~~Such~~ The personnel shall include all precinct election officials and any other persons who will be employed in or around the polling places on election day. At least two precinct election officials who will serve on each precinct election board at the forthcoming election shall attend the training course, ~~and if.~~ If the entire board does not attend, those members who do attend shall so far as possible be persons who have not previously attended a similar training course.

Sec. 19. Section 50.48, subsection 4, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

When all members of the recount board have been selected, the board shall undertake and complete the required recount as

expeditiously as reasonably possible. The commissioner or the commissioner's designee shall supervise the handling of ballots or voting machine documents to ensure that the ballots and other documents are protected from alteration or damage. The board shall open only the sealed ballot containers from the precincts specified in the request to be recounted in the request or by the recount board. The board shall recount only the ballots which were voted and counted for the office in question. If an electronic tabulating system was used to count the ballots, the recount board may request the commissioner to retabulate the ballots using the electronic tabulating system. Any member of the recount board may at any time during the recount proceedings extend the recount of votes cast for the office or nomination in question to any other precinct or precincts in the same county, or from which the returns were reported to the commissioner responsible for conducting the election, without the necessity of posting additional bond.

Sec. 20. Section 52.4, Code 1993, is amended to read as follows:

52.4 EXAMINERS -- TERM -- REMOVAL.

The governor state commissioner of elections shall appoint three members to a board of examiners for voting machines and electronic voting systems, not more than two of whom shall be from the same political party. The examiners shall hold office for the term staggered terms of five six years, subject to removal at the pleasure of the governor state commissioner of elections.

At least one of the examiners shall have been trained in computer programming and operations. The other two members shall be directly involved in the administration of elections and shall have experience in the use of electronic voting systems.

Sec. 21. Section 52.40, subsection 1, Code Supplement 1993, is amended to read as follows:

1. In counties where counting centers have been established under section 52.34, the commissioner may, ~~for general elections only,~~ designate certain polling places as early ballot pick-up sites. At these sites, between the hours of one p.m. and four p.m. on the day of the election, early pick-up officers shall receive the sealed ballot container containing the ballots which have been voted throughout the day along with a signed statement of the precinct attesting to the number of declarations of eligibility signed up to that time, excluding those declarations signed by voters who have not yet placed their ballots in the ballot container. The officers shall replace the ballot container containing the voted ballots with an empty ballot container, to be sealed in the presence of a precinct election official.

Sec. 22. Section 53.17, subsection 2, unnumbered paragraph 2, Code 1993, is amended to read as follows:

In order for the ballot to be counted, the carrier envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than noon on the Monday following the election.

Sec. 23. Section 53.22, subsection 2, Code Supplement 1993, is amended to read as follows:

2. Any qualified elector who becomes a patient or resident of a hospital or health care facility in the county where the elector is qualified to vote within three days prior to the date of any election or on election day may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section 53.2, the qualified elector may make the request directly to the officers who are delivering and returning absentee ballots under this section. Alternatively, the request may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a qualified elector of that county, these officers

shall deliver the appropriate absentee ballot to the qualified elector in the manner prescribed by this section.

Sec. 24. Section 53.22, subsection 5, Code Supplement 1993, is amended to read as follows:

5. If the qualified elector becomes a patient or resident of a hospital or health care facility outside the county where the elector is registered to vote within three days before the date of any election or on election day, the elector may designate a person to deliver and return the absentee ballot. The designee may be any person the elector chooses except that no candidate for any office to be voted upon for the election for which the ballot is requested may deliver a ballot under this subsection. The request for an absentee ballot may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a qualified elector of that county, the ballot shall be delivered by mail or by the person designated by the elector. An application form shall be included with the absentee ballot and shall be signed by the voter and returned with the ballot.

Absentee ballots voted under this subsection shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail the carrier envelope must be received by the time the polls close, or clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

Sec. 25. Section 53.37, Code 1993, is amended by adding the following new unnumbered paragraph before unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. This division is intended to implement the federal Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq.

Sec. 26. Section 53.39, Code 1993, is amended to read as follows:

53.39 REQUEST FOR BALLOT -- WHEN AVAILABLE.

Section 53.2 does not apply ~~in connection with the primary and general elections~~ in the case of a qualified elector of the state of Iowa serving in the armed forces of the United States. In any such case an application for ballot as provided for in that section is not required and an absent voter's ballot shall be sent or made available to any such elector upon a request as provided in this division.

PARAGRAPH DIVIDED. All official ballots to be voted by qualified absent voters in the armed forces of the United States at the primary election and the general election shall be printed prior to forty days before the respective elections and shall be available for transmittal to such qualified electors in the armed forces of the United States at least forty days before the respective elections. The provisions of this chapter apply to absent voting by qualified voters in the armed forces of the United States ~~at primary and general elections~~ except as modified by the provisions of this division.

Sec. 27. Section 53.40, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Request A request in writing for a ballot ~~for the primary election and for the general election~~ may be made by any member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which the ballot is to be cast, at any time ~~prior to either of before the elections~~ election. Any member of the armed forces of the United States may request ballots for all elections to be held within a calendar year. The request may be made by using the federal postcard application form and indicating that the applicant wishes to receive ballots for all elections as permitted by state law. The county auditor shall send the applicant a ballot for each election held during the calendar year in which the application is received.

PARAGRAPH DIVIDED. Unless the request specifies otherwise, a request for the primary election shall also be considered a request for the general election. In the case of the general election request may be made not more than seventy days before the election, for and on behalf of a voter in the armed forces of the United States by a spouse, parent, parent-in-law, adult brother, adult sister, or adult child of the voter, residing in the county of the voter's residence. However, a request made by other than the voter may be required to be made on forms prescribed by the state commissioner.

Sec. 28. Section 53.43, Code 1993, is amended to read as follows:

53.43 IDENTIFICATION ON ENVELOPE.

The envelopes used in connection with voting by absent voter's ballot by voters who are members of the armed forces of the United States, shall have stamped or printed on them the words "Armed Forces or Overseas Ballot" and a designation of the election at which said the ballot is to be cast--either "Primary-Election"--or--"General-Election"--as-the-case-may-be.

Sec. 29. Section 53.51, Code 1993, is amended to read as follows:

53.51 RULE OF CONSTRUCTION.

This division shall be liberally construed in order to provide means and opportunity for qualified voters of the state of Iowa serving in the armed forces of the United States to vote ~~at the primary and general elections.~~

Sec. 30. Section 53.53, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Federal write-in absentee ballots may be used in primary and general elections, and in special elections held pursuant to section 69.14. The federal write-in absentee ballot transmission envelope may also serve as an application for voter registration if the information submitted is sufficient to register the person to vote and the applicant is otherwise eligible to vote under the provisions of this division.

Sec. 31. Section 56.2, subsection 5, Code Supplement 1993, is amended by striking the subsection.

Sec. 32. Section 56.2, subsection 15, Code Supplement 1993, is amended to read as follows:

15. "Political committee" means a committee, but not a candidate's committee, which accepts contributions in excess of two hundred fifty dollars in the aggregate, makes expenditures in excess of two hundred fifty dollars in the aggregate, or incurs indebtedness in excess of two hundred fifty dollars in the aggregate in any one calendar year for the purpose of supporting or opposing a candidate for public office ~~or ballot issue; or which accepts contributions in excess of five hundred dollars in the aggregate, makes expenditures in excess of five hundred dollars in the aggregate, or incurs indebtedness in excess of five hundred dollars in the aggregate in any one calendar year for the purpose of supporting or opposing a ballot issue;~~ "political committee" also means an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional organization which makes contributions in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office ~~or a ballot issue or which accepts contributions in excess of five hundred dollars in the aggregate, makes expenditures in excess of five hundred dollars in the aggregate, or incurs indebtedness in excess of five hundred dollars in the aggregate in any one calendar year for the purpose of supporting or opposing a ballot issue.~~ "Political committee" also includes a committee which accepts contributions in excess of two hundred fifty dollars in the aggregate, makes expenditures in excess of two hundred fifty dollars in the aggregate, or incurs indebtedness in excess of two hundred fifty dollars in the aggregate in a calendar year to cause the publication or broadcasting of material in which the public policy positions or voting record of an

identifiable candidate is discussed and in which a reasonable person could find commentary favorable or unfavorable to those public policy positions or voting record.

Sec. 33. Section 56.5, subsection 2, paragraph f, Code Supplement 1993, is amended to read as follows:

f. A signed statement by the treasurer of the committee and the candidate, in the case of a candidate's committee, or ~~by the treasurer of the committee and the chairperson in the case of a political committee,~~ which shall verify that they are aware of the requirement to file disclosure reports if the committee, the committee officers, the candidate, or both the committee officers and the candidate receive contributions in excess of five hundred dollars in the aggregate, make expenditures in excess of five hundred dollars in the aggregate, or incur indebtedness in excess of five hundred dollars in the aggregate in a calendar year for the purpose of supporting or opposing any candidate for public office. In the case of political committees, statements relating to ballot issues shall be made by the treasurer of the committee and the chairperson ~~a two-hundred-fifty-dollar aggregate threshold level shall apply instead of the five-hundred-dollar threshold level.~~

Sec. 34. Section 56.5A, Code Supplement 1993, is amended to read as follows:

56.5A CANDIDATE'S COMMITTEE.

Each candidate for ~~federal~~ state, county, city, or school office shall organize one, and only one, candidate's committee for a specific office sought when the candidate receives contributions in excess of five hundred dollars in the aggregate, makes expenditures in excess of five hundred dollars in the aggregate, or incurs indebtedness in excess of two five hundred fifty dollars in the aggregate in a calendar year.

Sec. 35. Section 56.7, subsection 2, Code 1993, is amended to read as follows:

2. A copy of every report or statement shall be preserved by the person filing it or the person's successor for at least one-year three years following the filing of the report or statement.

Sec. 36. Section 56.13, Code Supplement 1993, is amended to read as follows:

56.13 ~~ACTION OF COMMITTEE IMPROVED TO CANDIDATE~~ INDEPENDENT EXPENDITURES.

1. Action involving a contribution or expenditure which must be reported under this chapter and which is taken by any person, candidate's committee or political committee on behalf of a candidate, if known and approved by the candidate, shall be deemed action by the candidate and reported by the candidate's committee. It shall be presumed that a candidate approves the action if the candidate had knowledge of it and failed to file a statement of disavowal with the commissioner or board and take corrective action within seventy-two hours of the action. A person, candidate's committee or political committee taking such action independently of that candidate's committee shall notify that candidate's committee in writing within twenty-four hours of taking the action. The notification shall provide that candidate's committee with the cost of the promotion at fair market value. A copy of the notification shall be sent to the board.

Any person who makes expenditures or incurs indebtedness, other than incidental expenses incurred in performing volunteer work, in support or opposition of a candidate for public office shall notify the appropriate committee and provide necessary information for disclosure reports.

2. If a person, other than a political committee, makes one or more expenditures in excess of five hundred dollars in the aggregate, or incurs indebtedness in excess of five hundred dollars in the aggregate, in any one calendar year for purposes of supporting or opposing a ballot issue, the person shall file a statement of activity within ten days of taking the action exceeding the threshold. The statement shall

contain information identifying the person filing the statement, identifying the ballot issue, and indicating the position urged by the person with regard to the ballot issue. The person shall file reports indicating the dates on which the expenditures or incurrence of indebtedness took place; a description of the nature of the action taken which resulted in the expenditures or debt; and the cost of the promotion at fair market value. For a local ballot issue, the reports shall be filed five days prior to any election in which the ballot issue appears and on the first day of the month following the election, as well as on the twentieth day of January, May, and July of each year in which the ballot issue appears on the ballot and on the twentieth day of January and October of each year in which the ballot issue does not appear on the ballot. For a statewide ballot issue, reports shall be filed on the twentieth day of January, May, and July of each year. The reports shall be current to five days prior to the filing deadline, and are considered timely filed if mailed bearing a United States postal service postmark on or before the due date. Filing obligations shall cease when the person files a statement of discontinuation indicating that the person's financial activity in support of or in opposition to the ballot issue has ceased. Statements and reports shall be filed with the commissioner responsible under section 47.2 for conducting the election at which the issue is voted upon, except that reports on a statewide ballot issue shall be filed with the board.

3. A person taking action involving the making of an expenditure or incurrence of indebtedness in support or opposition to a ballot issue independently of a political committee shall, within seventy-two hours of taking the action, notify in writing any political committee which advocates the same position with regard to the ballot issue as the person taking the action. The notification shall provide the political committee with the cost of the promotion at fair market value. A copy of the notification shall be sent to the

board. It shall be presumed that a benefited committee approves the action if the committee fails to file a statement of disavowal with the commissioner or board and takes corrective action within ten days of the action. Action approved by a committee shall be reported as a contribution by the committee.

4. However, this This section shall not be construed to require duplicate reporting of anything reported under this chapter, by a political committee, or except that actions which constitute contributions in kind shall be reported by the benefited committee. This section shall not be construed to require reporting of action by any person which does not constitute a contribution.

Sec. 37. Section 69.8, subsection 5, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

5. ELECTED TOWNSHIP OFFICES. When a vacancy occurs in the office of township clerk or township trustee, the vacancy shall be filled by appointment by the trustees. All appointments to fill vacancies in township offices shall be until a successor is elected at the next general election and qualifies by taking the oath of office. If the term of office in which the vacancy exists will expire within seventy days after the next general election, the person elected to the office for the succeeding term shall qualify by taking the oath of office within ten days after the election and shall serve for the remainder of the unexpired term, as well as for the next four-year term.

However, if the offices of two trustees are vacant the county board of supervisors shall fill the vacancies by appointment. If the offices of three trustees are vacant the board may fill the vacancies by appointment, or the board may adopt a resolution stating that the board will exercise all powers and duties assigned by law to the trustees of the township in which the vacancies exist until the vacancies are filled at the next general election. If a township office

vacancy is not filled by the trustees within thirty days after the vacancy occurs, the board of supervisors may appoint a successor to fill the vacancy until the vacancy can be filled at the next general election.

Sec. 38. Section 69.14A, subsection 1, paragraph a, unnumbered paragraph 2, Code 1993, is amended to read as follows:

However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, whichever is later, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306, except that in counties where supervisors are elected under plan "three", the number of signatures calculated according to the formula in section 331.306 shall be divided by the number of supervisor districts in the county.

Sec. 39. Section 69.14A, subsection 1, paragraph b, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. However, if a vacancy on the board of supervisors occurs after the date of the primary election and more than seventy-three days before the general election, a special election to fill the vacancy shall not be called by the committee or by petition. If the term of office in which the vacancy exists will expire more than seventy days after the general election, the office shall be listed on the ballot, as "For Board of Supervisors, To Fill Vacancy". The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office. The person shall serve the balance of the unexpired term.

NEW UNNUMBERED PARAGRAPH. If the term of office in which the vacancy exists will expire within seventy days after the general election, the person elected to the succeeding term

shall also serve the balance of the unexpired term. The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office.

Sec. 40. Section 69.14A, subsection 2, paragraph b, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. If a vacancy in an elective county office occurs after the date of the primary election and more than seventy-three days before the general election, a special election to fill the vacancy shall not be called by the board of supervisors or by petition. If the term of office in which the vacancy exists will expire more than seventy days after the general election, the office shall be listed on the ballot with the name of the office and the additional description, "To Fill Vacancy". The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office. The person shall serve the balance of the unexpired term.

NEW UNNUMBERED PARAGRAPH. If the term of office in which the vacancy exists will expire within seventy days after the general election, the person elected to the succeeding term shall also serve the balance of the unexpired term. The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office.

Sec. 41. Section 161A.5, subsection 3, Code 1993, is amended to read as follows:

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the

county commissioner of elections. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

PARAGRAPH DIVIDED. The signed petitions shall be filed with the county commissioner of elections not later than five p.m. on the sixty-ninth day before the general election. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality is sufficient to elect commissioners, and a primary election for the office shall not be held. If the canvass shows that the two candidates receiving the highest and the second highest number of votes for the office of district commissioner are both residents of the same township, the board shall certify as elected the candidate who received the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township as the candidate receiving the highest number of votes.

Sec. 42. Section 277.4, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

Each candidate shall be nominated by petition. If the candidate is running for an at-large seat in the district, the petition must be signed by eligible electors equal in number to not less than one percent of the qualified electors of the district or one hundred eligible electors of the district, whichever is less. If the candidate is running for a seat in a director district, the petition must be signed by eligible electors equal in number to not less than one percent of the qualified electors in the director district or one hundred

eligible electors in the district, whichever is less. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 43. Section 277.5, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objection must be filed with the secretary of the school board at least thirty ~~thirty-five~~ days before the day of the school election. When objections are filed notice shall forthwith be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered.

Sec. 44. NEW SECTION. 277.7 PETITIONS FOR PUBLIC MEASURES.

A petition filed with the school board to request an election on a public measure shall be examined before it is accepted for filing. If the petition appears valid on its

face it shall be accepted for filing. If it lacks the required number of signatures it shall be returned to the petitioners.

Petitions which have been accepted for filing are valid unless written objections are filed. Objections must be filed with the secretary of the school board within five working days after the petition was filed. The objection process in section 277.5 shall be followed for objections filed pursuant to this section.

Sec. 45. Section 331.237, subsection 1, Code 1993, is amended to read as follows:

1. If a proposed charter for county government is received not later less than five working days before the filing deadline for candidates for county offices specified in section 44.4 for the next general election, the board shall direct the county commissioner of elections to submit to the qualified electors of the county at the next general election the question of whether the proposed charter shall be adopted. A summary of the proposed charter or amendment must shall be published in the official county newspapers and in a newspaper of general circulation in each participating city, if applicable, at least ten but not more than twenty days before the date of the election. If a majority of the votes cast on the question is in favor of the proposal, the proposal is adopted.

Sec. 46. Section 331.237, subsection 2, paragraph a, Code 1993, is amended to read as follows:

a. The adopted charter shall take effect July 1 following the general election at which it is approved unless the charter provides a later effective date. If the adopted charter calls for a change in the form of government, a ~~special election shall be called to elect the new elective officers to fill elective offices shall be elected in the general election in the even-numbered year following the adoption of the charter. If the adopted charter provides for a special election, the board shall direct the county~~

~~commissioner of elections to conduct the election. Those county officers holding office at the time of the adoption of the charter shall continue in office until the general election in the even-numbered year following the adoption of the charter. If the charter provides that one or more elective offices are combined, the board of supervisors shall appoint one of the elective officers of the combined offices to serve until the general election in the even-numbered year. If the charter calls for the elimination of an elective office, that elective officer's term of office shall expire on the date the adopted charter takes effect.~~

Sec. 47. Section 331.254, subsection 7, Code 1993, is amended to read as follows:

7. The merger of the elective offices of each consolidating county with the election of new officers within sixty days after the effective date of the charter. The elections shall be conducted by the county commissioner of elections of each county pursuant to section 69.13. No primary election shall be held. Nominations shall be made pursuant to section 43.78 and chapters 44 and 45, as applicable, except that the filing deadline shall be forty days before the election.

Sec. 48. Section 331.306, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A petition shall be examined before it is accepted for filing. If it appears valid on its face it shall be accepted for filing. If it lacks the required number of signatures it shall be returned to the petitioners.

NEW UNNUMBERED PARAGRAPH. Petitions which have been accepted for filing are valid unless written objections are filed. Objections must be filed with the county auditor within five working days after the petition was filed. The objection process in section 44.7 shall be followed for objections filed pursuant to this section.

Sec. 49. Section 347.10, Code 1993, is amended to read as follows:

347.10 VACANCIES.

Vacancies in the board of trustees may, until the next general election, be filled by an appointment ~~to fill the~~ vacancy by the remaining members of the board of trustees or, if fewer than four trustees remain on the board, by the board of supervisors for the period until the vacancies are filled ~~pursuant to section 69-12~~ by election. ~~Should~~ If any board member ~~be~~ is absent for four consecutive regular board meetings, without prior excuse, the member's position shall be declared vacant and filled as set out above in this section.

Sec. 50. Section 362.3, subsection 2, Code Supplement 1993, is amended to read as follows:

2. A publication required by the city code must be in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, or in the case of ~~notices of elections~~, ordinances, and amendments to be published in a city in which no newspaper is published, a publication may be made by posting in three public places in the city which have been permanently designated by ordinance.

In the case of notices of elections, a city with a population of two hundred or less meets the publication requirement of this section by posting notices of elections in three public places which have been designated by ordinance.

Sec. 51. Section 362.4, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The petition shall be examined before it is accepted for filing. If the petition appears valid on its face it shall be accepted for filing. If it lacks the required number of signatures it shall be returned to the petitioner.

NEW UNNUMBERED PARAGRAPH. Petitions which have been accepted for filing are valid unless written objections are filed with the city clerk within five working days after the

petition is received. The objection process in section 44.8 shall be followed.

Sec. 52. Section 372.2, subsection 1, Code 1993, is amended to read as follows:

1. Eligible electors of the city, ~~equal in number to at least twenty-five percent of the persons who voted at the last regular city election~~, may petition the council to submit to the electors the question of adopting a different form of city government. The minimum number of signatures required on the petition shall be equal in number to twenty-five percent of those who voted in the last regular city election. The petition shall specify which form of city government in section 372.1 the petitioners propose for adoption.

Sec. 53. Section 372.2, subsection 5, paragraph a, Code 1993, is amended to read as follows:

a. The elective officers provided for in the adopted form are to be elected at the next regular city election held more than ~~sixty~~ eighty-four days after the special election at which the form was adopted, ~~and the~~ The adopted form becomes effective at the beginning of the new term following the regular city election.

Sec. 54. Section 372.13, subsection 2, paragraph a, subparagraph (4), Code Supplement 1993, is amended to read as follows:

(4) The minimum number of signatures for a valid petition pursuant to subparagraphs (1) through (3) shall not be fewer than ten. In determining the minimum number of signatures required, if at the last preceding election more than one position was to be filled for the office in which the vacancy exists, the number of voters who voted for candidates for the office shall be determined by dividing the total number of votes cast for the office by the number of seats to be filled.

Sec. 55. Section 376.4, unnumbered paragraph 4, Code 1993, is amended to read as follows:

The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the

individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 56. Section 384.12, subsection 19, paragraph c, Code 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

c. The ballot question shall be in substantially the following form:

WHICH TAX LEVY SHALL BE ADOPTED FOR THE CITY

OF

(Vote for only one of the following choices.)

CHANGE LEVY AMOUNT _____

Add to the existing levy amount a tax for the purpose of (state purpose of proposed levy) at a rate of (rate) which will provide an additional \$..... (amount).

KEEP CURRENT LEVY _____

Continue under the current maximum rate of, providing \$..... (amount).

Sec. 57. TRANSITION AND EFFECTIVE DATE.

1. When the terms of the current members of the board of examiners for voting machines and electronic voting systems expire in June 1994, the state commissioner shall appoint three examiners for staggered terms. One examiner shall be appointed for six years, one for four years, and one for two years.

2. This section of this Act and the section of this Act which amends Code section 52.4, relating to appointment of the board of examiners for voting machines and electronic voting systems, being deemed of immediate importance, take effect upon enactment.

Sec. 58. APPLICABILITY. Section 46 of this Act, which amends Code section 331.237, subsection 2, is applicable to

charters adopted by the electorate on or after the effective date of this Act.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2219, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved  , 1994

TERRY E. BRANSTAD
Governor